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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; COLORADO

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

COLORADO

County	Average value	Investment limit
Moffat	$25,000	$12,000
Prowers	25,000	12,000
Pueblo	24,000	12,000
Rio Blanco	25,000	12,000
Routt	25,000	12,000
Sedgwick	25,000	12,000

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 3d day of December 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-14516; Filed, Dec. 6, 1951; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 542, Rev., Amdt. 1]

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF CERTAIN FRUITS FROM MEXICO

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (notice of Quarantine No. 56, 7 CFR 319.56), the administrative instructions (7 CFR, 1950 Supp., 319.56–2g) issued to prescribe methods of treatment which will meet the treatment requirements imposed under § 319.56–2 as a condition of the issuance of permits for the importation from Mexico of commercially-sound oranges, grapefruit, and Manila mangoes, are hereby amended in the following respects:

1. The title of § 319.56–2g is amended to read as follows:

§ 319.56–2g *Administrative instructions prescribing method of treatment of oranges, grapefruit, tangerines, and Manila mangoes from Mexico.*

2. Section 319.56–2g (a) (2) is amended to read as follows:

(2) The approved vapor-heat schedule of treatment specified in paragraph (b) (1) of this section will meet the treatment requirements imposed under § 319.56–2 as a condition of the issuance of permits for (i) the importation from Mexico of commercially-sound grapefruit and Manila mangoes, free of leaves and other plant debris, or (ii) the importation from Mexico during the 5-month period beginning November 1 and ending the following March 31, of commercially-sound tangerines, with tight skins and free from air pockets or puffiness, and free of leaves and other debris.

The purpose of the foregoing amendment is to authorize the issuance of permits for the importation of tangerines from Mexico, between November 1 and the following March 31, provided the fruits are commercially sound, with tight skins and free of air pockets or puffiness, are free of leaves and other plant debris, and have been given the prescribed vapor-heat treatment. Research has disclosed that such importations under the prescribed conditions may be authorized without increasing the risk of spread of injurious insects. Mexican shippers have not heretofore been able to qualify their tangerines for importation. Accordingly, the foregoing amendment relieves restrictions now in effect. In order to be of maximum

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FEDERAL REGISTER

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CODIFICATION GUIDE

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CODIFICATION GUIDE—Con.

benefit to such shippers, the new authorization should be made available as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and public procedure on the foregoing amendment are unnecessary, impracticable, and contrary to the public interest, and since this amendment relieves restrictions it may properly be made effective under said section 4 less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall be effective December 7, 1951.

(Sec. 3, 33 Stat. 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 143, 162)

Done at Washington, D. C., this 3d day of December 1951.

[SEAL] AVERY S. HOYT,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 51-14546; Filed, Dec. 6, 1951; 8:54 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

ORDER TERMINATING CERTAIN PROVISIONS

Pursuant to notice published in the FEDERAL REGISTER on November 16, 1951 (16 F. R. 11657) of consideration to terminate the provision "by dividing by 321" appearing in § 927.5 (g) (1) (vi) of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area (7 CFR Part 927), hereinafter referred to as the "order"; and

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order; and

After having given due consideration to all data, views and arguments filed pursuant to the notice referred to above; it is hereby found and determined that:

(1) The index of cost of production currently being computed and released by the New York State College of Agriculture for each month on a 1910–14 base no longer properly can be converted to a 1948 base by dividing such index by 321, in that the figure of 321 no longer represents the index for the year 1948 which is comparable with the index currently computed and released for each month;

(2) The provision in § 927.5 (g) (1) (vi) of the order requiring division of the monthly index by 321 for the purpose of converting it to a 1946 base no longer tends to effectuate the declared policy of the act; and

(3) This termination should be made effective immediately upon publication hereof in the FEDERAL REGISTER in order to avoid further calculation and public announcement of incorrect monthly index numbers. Termination of the provision involved will not directly affect any obligation imposed by the order upon any person other than the market administrator and the Secretary of Agriculture, and makes no change in the order which to any degree or extent requires preparation therefore by any person.

It is therefore ordered, That the provision "by dividing by 321" appearing in § 927.5 (g) (1) (vi) of the order be and it hereby is terminated effective immediately upon publication of this termination order in the FEDERAL REGISTER.

Done at Washington, D. C., this 4th day of December 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-14513; Filed, Dec. 6, 1951; 8:49 a. m.]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR THE 1951–1952 FISCAL PERIOD

On November 7, 1951, notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 11314) regarding the expenses and rate of assessment for the 1951–1952 fiscal period under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County California, situated south and east of the San Gorgonio Pass. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 955.205 *Expenses and rate of assessment for the 1951–1952 fiscal period.* (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal period beginning August 1, 1951, will amount to $21,625; and the rate of assessment to be paid by each handler who first ships grapefruit shall be one and one-quarter cents ($0.0125) per standard box of fruit shipped by such handler as the first handler thereof during the said fiscal period. Such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

(b) As used in this section, "handler," "ship," "fruit," "fiscal period," and "standard box" shall each have the same meaning as is given to each such term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of December 1951, to be effective 30 days after the date of publication hereof in the FEDERAL REGISTER.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-14511; Filed, Dec. 6, 1951; 8:48 a. m.]

[958.309, Amdt. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the administrative committee for Area 1, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amended limitation shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this regulation, (iii) compliance with this regulation will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (vi) this amendment relieves restriction on the handling of Irish potatoes grown in Area No. 1.

Order as amended. The provisions of subparagraphs (1) and (4) of paragraph (b) of § 958.309 (16 F. R. 5975) are hereby amended to read as follows:

(1) During the period from December 10, 1951 to May 31, 1952, both dates inclusive, no handler shall ship potatoes of any variety grown in area No. 1, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the following grade and size requirements: (i) U. S. No. 2, or better, grade, 2 inch minimum diameter or 4 ounces in weight, or larger; or (ii) U. S. No. 1 grade, Size B.

(4) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) and the aforementioned grades and sizes shall have the same meanings assigned these terms in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 4th day of December 1951, to become effective on December 10, 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-14548; Filed, Dec. 6, 1951; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

[B. A. I. Order 373, Amdt. 1]

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS): PROHIBITED AND RESTRICTED IMPORTATIONS

FOREIGN CURED OR COOKED MEATS FROM COUNTRIES WHERE RINDERPEST OF FOOT-AND-MOUTH DISEASE EXISTS

On October 20, 1951, there was published in the FEDERAL REGISTER (16 F. R. 10750-51) a notice of proposed amendment of subparagraph (2) of paragraph (a) of § 94.4 of the regulations relating to prohibitions and restrictions upon importations of certain animals and products because of rinderpest, foot-and-mouth disease, fowl pest (fowl plague), and Newcastle disease (avian pneumoencephalitis) (9 CFR 94.4 (a) (2) as amended, 16 F. R. 2955). After due consideration of all relevant matter presented in connection with the aforesaid notice and pursuant to the authority vested in the Secretary of Agriculture by section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) and by section 2 of the act of Congress approved February 2, 1903, as amended (21 U. S. C. 111), the said subparagraph (2) of paragraph (a) of § 94.4 is hereby amended to read as follows:

(2) The meat shall have been held in an unfrozen, fresh condition for at least 3 days immediately following the slaughter of the animals from which it was derived.

(Sec. 2, 32 Stat. 792, as amended, 45 Stat. 59, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 111)

The purpose of the foregoing amendment is to reduce to 3 days the period during which meat, derived from ruminants or swine originating in a country in which rinderpest or foot-and-mouth disease exists, must be held in an unfrozen, fresh condition immediately following slaughter of the animals from which it was derived, if it is to be imported into the United States in the form of cured meat. Prior to this amendment such meat was required to be held in an unfrozen, fresh condition for at least 7 days following slaughter, because it was known that during this period a change to an acid reaction in the muscle tissue provided unfavorable media for the virus of such diseases to remain viable. Present information indicates that the change to an acid reaction takes place during the 3 day period immediately following the slaughter of the animals when the meat is held in an unfrozen, fresh condition. Accordingly, the 3 day holding period, together with the procedures now in effect requiring that when directed by the Chief of the Bureau of Animal Industry, imported cured meat shall be consigned directly from the port of entry to a meat processing establishment operating under Federal Meat Inspection, that has been approved for the further processing of the meat, obviates danger to the livestock industry of the country from the importations of this product.

Since the foregoing amendment relieves restriction, it may be made effective under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) less than 30 days after its publication in the FEDERAL REGISTER. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 3d day of December 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-14514; Filed, Dec. 6, 1951; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5136]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SILOGERM CO.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale or distribution in commerce, of respondents' product Silogerm or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, representing, directly or by implication, (1) that the use of the said product will prevent the formation of mold or decay in silage; (2) that the use of the said product in making silage will improve the silage, make such silage more palatable or render more minerals available to animals; or, (3) that the use of the said product in making silage increases the value of such silage as feed or has any value in keeping animals in good condition; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Elbert W. Bishop et al. trading as Silogerm Company, Docket 5136, October 19, 1951]

This proceeding having been heard by the Federal Trade Commission, upon the complaint of the Commission, the respondents' answer thereto, testimony and other evidence in support of and in opposition to the allegations of the complaint introduced before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision and the exceptions thereto, and briefs and oral argu-

ment of counsel; and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents Elbert W. Bishop, Willard R. Bishop, Harold S. Bishop, and Evelyn M. Heigis, individually and as copartners trading as Silogerm Company, or trading under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said respondents' product Silogerm, or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from representing, directly or by implication:

1. That the use of the said product will prevent the formation of mold or decay in silage.

2. That the use of the said product in making silage will improve the silage, make such silage more palatable or render more minerals available to animals.

3. That the use of the said product in making silage increases the value of such silage as feed or has any value in keeping animals in good condition.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: October 19, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-14501; Filed, Dec. 6, 1951; 8:45 a. m.]

[Docket 5905]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BEN SELVIZ, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition; Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition; Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution therein of ladies' coats or other wool products, as defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as defined in said act, misbranding such products (1) by misrepresenting on any stamp, tag, label or other means of identification the character or amount of the constituent fibers of any of said products; or, (2) by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding 5 percent of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is 5 percent or more, and (5) the aggregate of other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Ben Selviz, Inc., et al., Docket 5905, October 9, 1951]

This proceeding was instituted by complaint, which charged respondents with violations of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder, with respect to certain wool products as defined in and subject to that act, constituting unfair and deceptive acts and practices within the intent and meaning of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice," dated October 23, 1951, through the consent settlement procedure provided in Rule V of the Commission's rules of practice, as follows:

"The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on October 9, 1951, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding."

Said order, to cease and desist, thus entered of record, following the findings as to the facts and conclusion,[1] reads as follows:

It is ordered, That the respondent Ben Selviz, Inc., a corporation, and its officers, and the respondents Robert J. Seder and Leonard Freeman, individually and as officers of said respondent corporation, and said respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, as "commerce" is defined in the aforesaid acts, of ladies' coats or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool", "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products:

1. By misrepresenting on any stamp, tag, label or other means of identification the character or amount of the constituent fibers of any of said products.

2. By failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding 5 percent of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is 5 percent or more, and (5) the aggregate of other fibers.

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-14500; Filed, Dec. 6, 1951; 8:45 a. m.]

[Docket 5912]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

INTERNATIONAL SERVICE BUREAU & ASSOCIATES

Subpart—*Misrepresenting oneself and goods; business status, advantages or connections:* § 3.1490 *Nature in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2080 *Terms and conditions.* In connection with the use in commerce, of form letters, reply forms, or any other printed or written material of a substantially similar nature, (1) representing

[1] Filed as part of the original document.

directly or by implication that respondent is holding a sum of money or any other thing of value for the recipients of said form letters, or other letters, or that the information requested is desired by respondent for the purpose of enabling respondent to make delivery of any such sum of money; or (2) using form letters or other material which represents directly or by implication that respondent's business is other than that of locating delinquent debtors; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, R. E. Nye d. b. a. International Service Bureau & Associates, Docket 5912, October 9, 1951]

This proceeding was heard by Frank Hier, trial examiner, upon the complaint of the Commission, and respondent's answer in which he admitted all the material allegations of facts set forth in said complaint and waived all intervening procedure and further hearing as to the said facts.

Thereafter the proceeding regularly came on for final consideration by said trial examiner, theretofore duly designated by the Commission, upon said complaint and answer, all intervening procedure having been waived, and said trial examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on October 9, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondent, R. E. Nye, an individual, trading as International Service Bureau & Associates, or any other name, his agents, representatives and employees, directly or through any corporate or other device in connection with the use in commerce, as "commerce" is defined in the Federal Trade Commission Act, of form letters, reply forms, or any other printed or written material of a substantially similar nature, do forthwith cease and desist from:

(1) Representing directly or by implication that respondent is holding a sum of money or any other thing of value for the recipients of said form letters, or other letters; or that the information requested is desired by respondent for the purpose of enabling respondent to make delivery of any such sum of money;

(2) Using form letters or other material which represents directly or by implication that respondent's business is other than that of locating delinquent debtors.

By "Decision of the Commission and order to file report of compliance," Docket 5912, October 9, 1951, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: October 9, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-14499; Filed, Dec. 6, 1951; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I — Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 2—SPECIAL PROVISIONS APPLICABLE TO GRAINS, FLAXSEED, AND SOYBEANS

AMOUNTS FIXED FOR REPORTING ON FORMS 201, 203 AND 204

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U. S. C. 1–17a), §§ 2.20 and 2.21, Part 2, Chapter I, Title 17, Code of Federal Regulations, as amended (17 CFR and 1950 Supp., 2.20, 2.21) are further amended to read as follows:

§ 2.20 *Amount fixed for reporting on Form 201.* For the purpose of §§ 2.04 and 2.05, the amount specified for reporting accounts on Form 201 is 200,000 bushels (milled rice, 56,000 pockets or bags of 100 pounds; grain sorghums, 11,200,000 pounds), but such specified amount shall not apply to special calls issued under authority of § 2.22.

(Sec. 5, 42 Stat. 1000, as amended, sec. 4g as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7b, 6g)

§ 2.21 *Amount fixed for reporting on Forms 203 and 204.* For the purpose of §§ 2.10, 2.11, 2.14, 2.16, and 2.17, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 203 and Form 204 is 200,000 bushels (milled rice, 56,000 pockets or bags of 100 pounds; grain sorghums, 11,200,000 pounds).

(Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 6i)

The purpose of this amendment is to set forth in the said §§ 2.20 and 2.21 the equivalent in pounds of 200,000 bushels of grain sorghums. Since the amendment is merely an interpretative rule, notice and public procedure are unnecessary under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), and this amendment may be made effective within less than thirty days after publication in the FEDERAL REGISTER. Notice or hearing is not required by any other statute.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Issued this 3d day of December 1951.

[SEAL] C. J. MCCORMICK, *Acting Secretary of Agriculture.*

[F. R. Doc. 51-14515; Filed, Dec. 6, 1951; 8:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old Age and Survivors Insurance, Social Security Administration, Federal Security Agency

[Regulations 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

LUMP-SUM DEATH PAYMENTS

Section 403.408 (b) (2) (iv) of Regulations No. 3, as amended (20 CFR 403.408 (b) (2) (iv)) is amended to read as follows:

§ 403.408 *Lump-sum death payments.* * * *

(b) *Persons entitled to receive payments.* * * *

(2) *Persons equitably entitled.* * * *

(iv) Any person furnishing goods or services in connection with the burial of the deceased, to the extent that goods or services are furnished, except that the provisions of this subdivision shall not apply to an organization exempt from the payment of taxes under sections 101 (5) or 101 (6) of the Internal Revenue Code (26 U. S. C. 101 (5) and 101 (6)) or to a State or any political subdivision thereof or any instrumentality of any one or more of the foregoing.

(Section 205, 49 Stat. 624, as amended, sec. 1102, 49 Stat. 647, as amended; 42 U. S. C. 405, 1302. Interprets or applies sec. 202, 49 Stat. 623, as amended; 42 U. S. C. 402)

[SEAL] A. J. ALTMEYER, *Commissioner for Social Security.*

Approved: November 30, 1951.

JOHN L. THURSTON, *Acting Federal Security Administrator.*

[F. R. Doc. 51-14543; Filed, Dec. 6, 1951; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

ARMY PROCUREMENT PROCEDURE

MISCELLANEOUS AMENDMENTS

The following amendments to Subchapter G are issued:

PART 590—GENERAL PROVISIONS

Part 590 is amended as indicated below:

1. Rescind §§ 590.354 to 590.354–5 and substitute the following in lieu thereof:

§ 590.354 *Synopses of proposed procurements.*

§ 590.354–1 *Statement of policy.* (a) It is the policy of the Military Departments that all unclassified, negotiated, and advertised procurements exceeding $10,000 made in the continental United States will be publicized, except:

(1) Research and Development projects which are not susceptible of accomplishment by small business.

(2) Procurements for studies or surveys.

(3) Major items of equipment such as tanks, engines, airframes, ships, etc., when it can clearly be demonstrated that the item can only be manufactured, produced or developed by large firms.

(4) Other items which small business firms could not supply because of patent rights, copyrights, or secret processes.

(5) Purchases which must be made too quickly to permit prospective contractors, dependent on the synopses for information, to obtain invitations for bids or requests for proposals and to prepare and submit them.

(b) Synopses of Proposed Procurements, which are designed to furnish potential suppliers with sufficient information to determine whether they will be interested in bidding or quoting, will be prepared in accordance with the instructions set forth in §§ 590.354 to 590.354–6.

(c) Policies with respect to dissemination of information to unsuccessful bidders and offerors concerning awards are set forth in § 401.407 of this title and §§ 591.407 and 592.150 of this chapter. Instructions pertaining to synopses of awards are set forth in § 590.355.

§ 590.354–2 *Applicability.* In accordance with the policy stated in § 590.354–1, instructions in §§ 590.354 to 590.354–6 shall apply to all proposed procurements (including procurements for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property), whether negotiated or formally advertised, when:

(a) The estimated amount exceeds $10,000;

(b) The procurement is unclassified;

(c) The procurement is effected by any purchasing office in the continental United States, including (1) principal purchasing offices listed in § 590.253–2 and (2) all other field purchasing offices and activities located in the continental United States.

(d) None of the exceptions set forth in § 590.354–1 (a) (1) to (5) are applicable to the procurement.

§ 590.354–3 *Action by small business specialists.* The small business specialist in each purchasing office mentioned in § 590.354–2 (c) will be responsible for screening all proposed procurements and taking necessary action to see that all procurements coming within the above policy are promptly publicized in the Department of Commerce Synopsis of Proposed Procurements. Proposed procurements will be screened immediately upon receipt of procurement directives, or similar purchase authorization (including requisitions, etc.), by the small business specialist so that there will be no delay in the procurement action.

§ 590.354–4 *Action by Purchasing Offices.* (a) Procurement directives and similar documents which authorize or direct the initiation of purchase actions will be made available to the Small Business Specialist, simultaneously with receipt thereof by Contracting Officers, for examination and determination as to whether the proposed procurement is required to be publicized in accordance with the provisions of §§ 590.354 to 590.354–6.

(b) Purchasing officers will prepare and forward synopses of proposed procurements at the earliest practicable time prior to issuance of invitations for bids or requests for proposals (quotations), or prior to commencement of negotiations in any form; and, in any event, immediately upon completion of final drafts of any written solicitation.

(c) Synopses will be teletyped at the end of each day (or as they occur), in accordance with instructions contained in § 590.354–5 to the following address:

Synopsis,
Commerce Department,
Field Service,
Chicago, Illinois.

(d) Where access to the Army Command and Administrative Network (ACAN) is not available, synopses will be dispatched via air mail to the following address:

Field Service, Administrative Office,
U. S. Department of Commerce,
Room 1014, 610 South Canal Street,
Chicago 7, Illinois.

(e) A copy of each synopsis forwarded will be made available at purchasing offices for examination by interested persons. Such copies will contain columnar headings and a statement to the effect that further information will be supplied upon request, if available.

(f) A reasonable number of copies of each Letter of Proposal, Request for Proposal and Invitation for Bids, publicized in the Department of Commerce Synopsis of Proposed Procurements, including data and specifications, will be maintained by each purchasing office for supplying requests of prospective bidders.

§ 590.354–5 *Instructions for teletyping of synopses.* Synopses teletyped pursuant to § 590.354–4 (b) will be prepared for transmission as follows:

(a) The first line of the text of the message will state the number of the synopsis being sent. Synopses will be numbered consecutively.

(b) The second line of the text of the message will state the name and location of the purchasing office straight across the page (not to exceed 70 typewriter spaces) continuing on the next line if necessary.

(c) The description of the item being procured will be in capital letters, using the dash for commas and will not exceed 31 typewriter spaces. If 31 spaces are insufficient, additional lines may be used. The description will be clear, concise, abbreviated wherever possible, with a minimum number of words for description but sufficient for understanding by interested parties; it will consist of a minimum general description of the item procured and will include, when appropriate, commonly used names of supply items, basic materials from which fabricated, general size or dimensions, etc. Citation to specification and/or drawing numbers or other identifying data will be included, if this information will assist prospective suppliers in determining whether or not they are interested in the procurement.

(d) The column designating the quantity begins on typewriter space 32 and will not exceed 10 spaces. Every effort will be made to center the quantity between spaces 32 and 41. If 10 spaces are insufficient to include desired statement relative to quantity, additional lines may be used. Quantity to be procured will be indicated, except that whenever purchasing offices believe it advisable for security reasons, quantities may be published as "more than _____."

(e) The column designating the invitation or request number begins on typewriter space 42 and will not exceed 16 spaces. Every effort should be made to center the invitation or request number between spaces 42 and 57. Invitation for Bids numbers will be followed by the letter "B". Requests for proposals or quotations will be indicated by the letter "Q" or, if numbered the number will be followed by the letter "Q". If there is not sufficient space in the column for the distinguishing letter, it may be typed on the succeeding line.

(f) The column designating the opening date (or last date for submission of proposals or quotations) begins on typewriter space 58 and will not exceed 13 spaces. The last digit of the entry in this column should fall in space 70.

(g) Columnar headings will be omitted.

(h) Strict adherence to the above instructions will be required of each reporting office inasmuch as the receiving machines will automatically cut stencils at the time the message is received. Deviations will cause the format of the synopsis printed by the Department of Commerce to be out of line.

(i) Each reporting office will discuss the instructions contained in this paragraph with its communications office so that the manner in which the message is to be transmitted is thoroughly understood by the office preparing the message and the communications office.

§ 590.354–6 *Contents of synopses when not teletyped.* Synopses air mailed pursuant to § 590.354–4 (d) will contain the same information required for synopses which are teletyped, as prescribed in § 590.354–5, in substantially the same form. In addition to the information prescribed in § 590.354–5, appropriate columnar headings will be used.

2. Add §§ 590.357 and 590.358 as follows:

§ 590.357 *Selection of contractors.* It is the policy of the Department of the Army to award contracts only to responsible persons and concerns submitting bids or quotations. Persons or concerns considered to be responsible in connec-

tion with the awarding of Army contracts are those who are manufacturers or regular dealers as defined in § 400.201–9 of this title, and are financially and otherwise able to perform the contracts, and are otherwise qualified and eligible by law and regulation. In determining responsibility, primary emphasis will be placed upon the prospective contractor's technical and financial ability to perform the contract successfully.

(a) A pre-award qualification check or survey will be made of the technical and financial capabilities of the prospective contractor in order to provide the basis for evaluating responsibility. So far as possible such pre-award checks or surveys should be made only by a person or persons having technical and accounting experience. Qualification checks or surveys may be curtailed only to the extent the prospective contractor's qualifications are known to be satisfactory, or when not required in the judgment of the Contracting Officer because of the minor or special nature of the procurement. No award should be made to any prospective contractor whose responsibility cannot be satisfactorily established.

(b) In evaluating the responsibility of prospective contractors, consideration will be given to the following factors, as well as to any others which may be deemed appropriate:

(1) Whether the contractor qualifies as a "source of supply," as defined in § 400.201–9 of this title and § 590.201–9 of this chapter.

(2) Financial ability to perform the contract, including the availability of necessary working capital and credit, as determined from the following and any other appropriate sources:

(i) Balance sheets and profit and loss statements.

(ii) Credit reports of commercial- and financial-reporting agencies.

(iii) Data available at the prospective contractor's banks.

(iv) Information concerning other contractual commitments.

(3) Financial aid furnished or required to be furnished by the Government.

(4) Business and financial reputation and integrity of the prospective contractor, and where its reputation and integrity are not established of the principal executives of the prospective contractor, as determined by checks of the following sources:

(i) The prospective contractor's bank.

(ii) Trade creditors.

(iii) Any other source, governmental or private, which has had substantial previous dealings with the prospective contractor.

(5) Business and manufacturing experience, including length of time in present business, production efficiency and technical ability.

(6) Types of supplies, equipment, components, material, and services currently being manufactured, performed, or developed.

(7) Similarity between items currently being produced and items required by the proposed contract.

(8) Total amount of business on hand (military and commercial) as affecting the ability of the prospective contractor to meet deliveries required under the contract.

(9) Prospective contractor's past record of performance of Government contracts.

(10) Adequacy and availability of facilities, materials, and personnel for performance of the specific contract involved, including, when applicable, consideration of:

(i) Plant space.

(ii) Manufacturing equipment.

(iii) Testing, inspection, and laboratory facilities.

(iv) Training facilities.

(v) Materials and components.

(vi) Trained labor.

(vii) Key production and engineering personnel.

(viii) Subcontractors.

(11) Furnishing of a performance bond.

(c) The contract file of the Contracting Officer will contain a record of his determination of the responsibility of the contractor, with such supporting evidence as is secured by him through qualification checks or surveys.

§ 590.358 *Use of Certificates of Necessity and Expediting Production Funds.* It is the policy of the Department of the Army that Certificates of Necessity and the utilization of Expediting and Production Funds will be recommended for approval only in those instances where no other adequate facilities for the furnishing of the supplies or services exist which can be operated by responsible firms.

3. Rescind §§ 590.606–2 and 590.606–3 and substitute the following in lieu thereof:

§ 590.606–2 *Secret and Confidential contracts.* All instructions relating to distribution of contracts are subject to the provisions of Part 505 of this chapter, and all other current instructions governing the safeguarding and disclosing of information affecting the national security of the United States. Copies of Secret or Confidential contracts submitted to the General Accounting Office will be transmitted under two covers. Each cover is to be addressed to the General Accounting Office, Army Audit Branch, Building 203, 4300 Goodfellow Boulevard, St. Louis 20, Missouri. The inner cover only will be marked "Personal Confidential."

§ 590.606–3 *Numbered contracts.* Subject to such special instructions as may be issued by the Head of the Procuring Activity concerned, numbered contracts will be distributed as follows:

(a) The original signed number of each contract will be forwarded to the General Accounting Office, Army Audit Branch, Building 203, 4300 Goodfellow Boulevard, St. Louis 20, Missouri. If a surety bond or bonds are required in support of a contract whether lump sum or cost-plus-fixed-fee, see § 599.108 of this chapter. When the contract covers purchases made for one or more of the other military departments of the Department of Defense, with payment to be made by the military department or military departments receiving the supplies or services, there also will be forwarded with the original signed number additional certified or photostatic exact copies of the contract in a number equal to the number of receiving military departments.

(b) The duplicate signed number will be filed with the Contracting Officer or as directed by the Head of the Procuring Activity concerned.

(c) The triplicate signed number will be forwarded to the contractor.

(d) An authenticated copy will be forwarded to the Disbursing Officer for his files.

(e) Additional authenticated copies or unauthenticated copies will be distributed as directed in appropriate Department of the Army publications or by the head of the procuring activity concerned. Such copies may be distributed prior to the distribution of the signed numbers, provided each is plainly marked as an "Advance Copy," and other adequate safeguards are taken to insure that there will be no improper fiscal charges due to contracts not being carried through to execution.

4. Change paragraph (f) of § 590.705–10 to read as follows:

§ 590.705–10 *General instructions.*

* * *

(f) The contract clauses printed on the reverse of Form 383 and on Form 383a are deemed sufficient for all purchases accomplished by the use of Form 383, except that the following clauses will be inserted in the Schedule of each applicable Form 383 (see § 596.104–10 (g) of this chapter), except those issued in connection with a contract known to include such clauses:

RENEGOTIATION

This contract is subject to the Renegotiation Act of 1951 and shall be deemed to contain all the provisions required by section 104 thereof.

CEILING PRICES

Contractor agrees that the prices invoiced hereunder will not exceed the lower of (i) the contract prices or (ii) any applicable ceiling prices established by the Office of Price Stabilization or other authorized Government agency.

In the event additional contract clauses or deviations are required for specific purposes, prior approval for their use will be obtained from the Assistant Chief of Staff, G–4, Department of the Army (Chief, Purchases Branch). Approval is granted to delete the following clauses from Form 383a in effecting procurement outside the United States, its territories and possessions:

(1) Convict labor.

(2) Nondiscrimination in employment.

(3) Ceiling prices.

* * * * *

PART 591—PROCUREMENT BY FORMAL ADVERTISING

Part 591 is amended as indicated below:

1. Add paragraph (i) to § 591.201 as follows:

§ 591.201 *Preparation of forms.* * * *

(i) *Compliance with ceiling price regulations.* All invitations for bids except for procurements in oversea commands will contain the following provision in the Schedule:

CEILING PRICES

Bidder agrees that the prices invoiced hereunder will not exceed the lower of (i) the contract prices or (ii) any applicable ceiling prices established by the Office of Price Stabilization or other authorized Government agency.

2. Change paragraph (b) of § 591.202 to read as follows:

§ 591.202 *Methods of soliciting bids.* * * *

(b) *Time allowed before opening.* Invitations for bids will, as a rule, allow 30 days to intervene between the date of issuance and the date of opening bids. A shorter period may be allowed, but no period of less than 10 days will be designated, except in case of emergency. The existence of such emergency will be determined by the Contracting Officer, and the copy of the invitation furnished the Procurement Information Center, Office of the Under Secretary of the Army (§ 591.251 (a)), will bear on its face the following certificate and appropriate reasons signed by the Contracting officer:

I certify that the date shown hereon for the opening of bids cannot be a later date for the following reasons:

3. Change § 591.406–1 to read as follows:

§ 591.406–1 *Responsible bidder.* If the low bidder's qualifications to perform the proposed contract are not known to the Contracting Officer, the bidder's qualifications should be checked and, if found unsatisfactory, award should not be made. Qualification checks should consist of both financial and technical evaluation of a supplier's capacity to perform the contract successfully. See also in this connection § 590.357 of this chapter as to the policy of the Department of the Army with respect to the selection of contractors.

PART 592—PROCUREMENT BY NEGOTIATION

Part 592 is amended as follows:

1. Rescind subparagraph (5) of § 592.-101 (c) as follows:

§ 592.101 *Negotiation as distinguished from formal advertising.* * * *

(c) *Requests for proposals.* * * *

(5) [Revoked]

2. Add § 592.156 as follows:

§ 592.156 *Awards; selection of contractors.* The policy of the Department of the Army with respect to the selection of contractors is prescribed in § 590.357 of this chapter.

PART 596—CONTRACT CLAUSES AND FORMS

Part 596 is changed as follows:

1. Rescind § 596.104–12 and substitute the following in lieu thereof:

§ 596.104–12 *Military security requirements.* (a) Insert the clause set forth below in all contracts which are classified "Top Secret," "Secret," "Confidential," or "Restricted" by a Department, and in any other contracts, the performance of which will require access to classified matter. In those cases where the Contracting Officer deems it necessary, appropriate provisions relating to plant security facilities and personnel for area control and other security matters, in addition to the clause set forth below, may be included in the initial contract. In addition, separate and supplemental agreements relating to facilities and personnel for area control and other security matters may be entered into as circumstances may require.

MILITARY SECURITY REQUIREMENTS

(a) The provisions of the following paragraphs of this clause shall apply only if and to the extent that this contract involves access to matter classified "Top Secret," "Secret," "Confidential," or "Restricted."

(b) The Contractor agrees to provide and maintain a system of security controls within its or his own organization in accordance with (i) the requirements of the Department of Defense Industrial Security Manual for Safeguarding Classified Matter, dated January 18, 1951, as in effect on date of this contract, which Manual is hereby incorporated by reference and made a part of this contract, and (ii) any amendments to said Manual required by the demands of national security as determined by the Government and made after the date of this contract, notice of which has been furnished to the Contractor.

(c) The Government agrees that it shall indicate when necessary by classification ("Top Secret," "Secret," "Confidential," or "Restricted"), the degree of importance to the national defense of information pertaining to supplies, services, and other matters to be furnished by the Contractor to the Government or the Government to the Contractor, and the Government shall give written notice of such classification to the Contractor and of any subsequent changes thereof. The Contractor is authorized to rely on any letter or other written instrument signed by the Contracting Officer changing the classification of matter.

(d) Designated representatives of the Government responsible for inspection pertaining to industrial plant security shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the requirements of the terms and conditions of this clause. Should the Government, through its authorized representative, determine that the Contractor's security methods, procedures, or facilities do not conform to such requirements, it shall submit a written report to the Contractor advising him of the proper actions to be taken in order to effect compliance with such requirements.

(b) In addition to insertion of the contract clause set forth in paragraph (a) of this section, DD Form 254 (Security Requirements Check List), will be prepared in accordance with instructions contained in § 596.579.

2. Add § 596.150–6 as follows:

§ 596.150–6 *Compliance with ceiling prices.* The following clause will be inserted in all contracts, irrespective of dollar value (except in contracts entered into in oversea commands with foreign contractors):

CEILING PRICES

Contractor agrees that the prices invoiced hereunder will not exceed the lower of (i) the contract prices or (ii) any applicable ceiling prices established by the Office of Price Stabilization or other authorized Government agency.

PART 602—GOVERNMENT PROPERTY

Part 602 is amended by rescinding § 602.601 and substituting the following in lieu thereof:

§ 602.601 *Sales of materials and special items.* Hands of Procuring Activities are authorized to approve the sale to employees, both contractor and governmental, engaged in military production or construction, any uniforms, safety clothing and equipment, plant protective clothing and other special articles necessary in the production or operation of national defense industries or establishments. Contracts for such sales will be made under the authority cited in § 590.901 (a) of this title; and will comply with the requirements of §§ 590.916, 590.917 and 590.918 of this title and regulations approved by the Secretary of Defense, dated July 17, 1951.

[C2, Army Procurement Procedure, October 1, 1951] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51–14541; Filed, Dec. 6, 1951; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 17, Collation 1]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM GASES, NATURAL GAS, PETROLEUM GAS, CASINGHEAD GAS AND REFINERY GAS

Ceiling Price Regulation 17 is republished to incorporate the texts of Amendments 1 through 4, inclusive. Ceiling Price Regulation 17 was issued April 5, 1951 (16 F. R. 3033). Statements of Consideration for Ceiling Price Regulation 17, and for Amendments 1–4, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

INTRODUCTION

ARTICLE I—GENERAL PROVISIONS

Sec.

AUTHORITY: Sections 1 to 28 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 28 contained in Ceiling Price Regulation 17, April 5, 1951 (16 F. R. 3033), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 17, April 10, 1951, 16 F. R. 3033.
Amendment 1, April 16, 1951, 16 F. R. 3215.
Amendment 2, June 4, 1951, 16 F. R. 5319.
Amendment 3, July 24, 1951, 16 F. R. 7148.
Amendment 4, October 27, 1951, 16 F. R. 10774.

ARTICLE I

SECTION 1. *Products covered.* This regulation covers the following products:

Any fraction of crude petroleum which is a source of or is used to produce any of the products listed below.

Any fraction of petroleum which is sold for the same end use as any of the products listed below.

Liquefied petroleum gases
Natural gasoline
Aviation gasoline
Automotive and marine gasoline
All petroleum naphthas and solvents
Benzine, toluenes and xylenes
Stove and lamp gasoline and pressure appliance fuel
Condensate or distillates extracted in natural gasoline or cycling plants or not moved as crude petroleum
Jet propulsion fuel
Tractor fuel
Kerosene
Range oil, stove oil or heater oil
All other distillate burning, heating or fuel oils
Diesel fuels
Gas oils
Gas enrichment oil
Residual fuel oils and blends thereof with distillate fuel oils
Natural gas, petroleum gas, casinghead gas, and refinery gas

[Above item added by Amdt. 1]

Special hydrocarbon fractions used in manufacturing synthetic rubber, aviation gasoline, benzene, toluene, or xylene or their components

[Above item added by Amdt. 4]

Crude petroleum when sold: (1) to a processor for use as gas enrichment oil, (2) to a tank wagon reseller by sellers other than crude oil producers for resale to a consumer for a purpose other than the production of more than one petroleum fraction therefrom, or (3) to a consumer for a purpose other than the production of more than one petroleum fraction therefrom; provided, however, this regulation shall not be applicable to sales of crude petroleum to a refiner or to a person using such crude petroleum in oil and gas field operations.

SEC. 2. *Transactions and persons covered.* This regulation covers all types of sales and deliveries of the products listed in Sec. 1 either by refiners, producers, processors, natural gasoline or cycling plant operators, blenders, resellers, or any other person, with the following exceptions:

(a) Retail sales at retail establishments, including transactions through stationary retail facilities which are in conjunction with bulk plants, terminals or refineries.

(b) Exchanges of petroleum products between refiners or other petroleum sellers, provided prices at which such sales are made do not affect the level of existing ceiling prices.

(c) Sales between corporations when one is a wholly owned subsidiary of the other, or when both are wholly owned subsidiaries of a third corporation, and sales between such other affiliated or controlled corporations as are especially excepted by order in writing of the Director of Price Stabilization or his duly authorized representative, provided prices at which such sales are made do not affect the level of existing ceiling prices.

(d) Sales of aviation gasoline of 100 octane ASTM or higher when made to a defense agency or to any person for use in connection with a defense contract or subcontract.

(e) All sales of benzene, toluene and xylenes.

[Paragraph (e) amended by Amdt. 4]

(f) Interrefinery sales of petroleum fractions when such sales are made at the direction of the Petroleum Administration for Defense.

(g) Sales of special hydrocarbon fractions or liquefied petroleum gas when sold for use in manufacturing the following products or components of such products:

(1) Synthetic rubber.

(2) Aviation gasoline of 100 octane ASTM or higher, toluene, benzene or their components, when sold to a defense agency or to any person for use in connection with a defense contract or subcontract.

[Subparagraph (2) amended by Amdt. 4]

SEC. 3. *Geographical coverage.* The provisions of this regulation are applicable to the United States, its territories and possessions and the District of Columbia, except the Canal Zone.

SEC. 4. *Products and transactions excepted from the General Ceiling Price Regulation and Ceiling Price Regulation 22.* Any products or transactions excepted from the coverage of this regulation by section 2 are also excepted from the provisions of the General Ceiling Price Regulation and Ceiling Price Regulation 22.

[Section 4 amended by Amdt. 4]

SEC. 5. *Exports.* The ceiling price at which a person may export any product covered by this regulation shall be determined by this regulation plus the additions permitted for export sales of the commodities covered by this regulation by any applicable export regulation which may hereafter be issued.

SEC. 6. *Imports.* Ceiling prices in this regulation shall apply even though the product involved originated outside of the area covered by the regulation and was imported into such area.

SEC. 7. *Secret contracts.* The provisions of this price regulation shall not apply to sales of any product pursuant to a contract which is officially classified as "secret" or above.

SEC. 8. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after January 26, 1951, and the transferee carries on the business, or continues to deal in the same type of products, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation. If the prices for the establishment are not in line with prices which would be arrived at under the in-line ceiling price method of Article II, the transferee may nevertheless arrive at his ceiling prices by use of this "in-line method."

SEC. 9. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the ceiling price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Stabilization, deliver at prices to be adjusted upward in accordance with action taken by the Director after delivery. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Defense Production Act of 1950, as amended. The authorization may be given by the Director or by any official of the Office of Price Stabilization to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revi-

sion will be the granting of an individual application for adjustment.

[Section 9 amended by Amdt. 4]

SEC. 10. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1.

SEC. 11. *Applications for adjustment.* (a) The Director of Price Stabilization may adjust by order any ceiling price established under this regulation for a seller or group of sellers or for a general area when it appears:

(1) *Local shortages.*

(i) That there exists or threatens to exist in a particular locality a shortage in the supply of a petroleum product which aids directly in the present defense program or is essential to a standard of living consistent with the maintenance of the defense program;

(ii) That such local shortage will be substantially reduced or eliminated by adjusting the ceiling prices of such seller and of like sellers for such product; and

(iii) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Defense Production Act of 1950.

(iv) Applications for adjustment for local shortages shall be filed with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C.

(2) *Depressed price areas and price inequities.*

(i) That due to temporary conditions a seller has a ceiling price which is not in line with his customary pricing practice or with his customary price relationship with other sellers in the same marketing area, or

(ii) That prices charged for petroleum products in a particular area have customarily followed the pattern of prices in nearby or surrounding areas, but due to temporary conditions ceiling prices have been established by this regulation which are not in line with the level of prices which would have prevailed had the area been free to adjust itself to normal conditions.

(b) The seller in applying under (a) (2) (i) or (a) (2) (ii) above shall show to the satisfaction of the Director:

(1) The basis upon which it is concluded that the ceiling prices are below normal, with a statement of how long the inequity has been in existence.

(2) The ceiling prices proposed.

(3) Information supporting why the proposed ceiling prices would be normal.

(4) A statement that the proposed ceiling prices will be in line with the level of ceiling prices otherwise established by the regulation.

(5) Applications for adjustment for depressed price areas and price inequities shall be filed with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C.

(c) *Government contracts.* Any person who has entered into or proposes to enter into a contract with an agency of the United States Government who believes that a ceiling price contained in this regulation impedes or threatens to impede production, manufacture or distribution of a commodity essential to the defense program may file an application for adjustment with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C.

SEC. 12. *Price revisions incident to orders establishing specific prices.* The Director of Price Stabilization may by supplementary regulation or by special order establish specific ceiling prices or otherwise modify the provisions of this regulation with respect to certain products, transactions or geographical area.

[Section 12 amended by Amdt. 4]

SEC. 13. *Shifts which must be reported.* Where a seller has established a ceiling price on a delivered-at-destination basis at a given point for a particular petroleum product to a purchaser and thereafter sells such purchaser on an f. o. b. shipping point price basis, he shall report such shift to the Director of Price Stabilization within thirty days after the date such sale is made if the effect of selling on an f. o. b. shipping point price basis is to increase the laid-down cost to the purchaser above the seller's delivered-at-destination ceiling price to such purchaser. However, a seller may not shift to an f. o. b. shipping point price basis unless he has an f. o. b. shipping point ceiling price properly determined under the appropriate provisions of this regulation. The Director of Price Stabilization may by special order modify the terms and provisions applicable to such sales when in his judgment, the reported shift constitutes an evasion of the purposes of this regulation.

[Section 13 amended by Amdt. 4]

SEC. 14. *Records.* (a) The following records must be preserved and kept available for examination by the Director of Price Stabilization:

(1) Records in the seller's possession showing the prices charged by him for the petroleum products which he sold or offered for sale in the base period. In addition, the seller must prepare within 90 days after the effective date of this regulation and preserve a statement of any of his customary allowances, discounts, and other price differentials.

(2) Records indicating clearly the basis upon which the seller determined the ceiling price for any petroleum product not sold or offered for sale by him during the base period.

(3) Records, for a period of two years, of the kind the seller customarily keeps, showing the prices which the seller charges on sales of products covered by this regulation.

(b) Compliance with these record keeping provisions shall be deemed compliance with the record keeping requirements of the General Ceiling Price Regulation during the period when petroleum products were covered by that regulation.

SEC. 15. *Compliance with this regulation required.* (a) *Prohibitions against selling or delivery of petroleum products at prices above the ceiling.* On and after the effective date of this regulation regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business any petroleum product covered by this regulation at prices higher than the ceiling prices fixed by this regulation, and no person shall agree, offer, solicit, or attempt to do anything prohibited by this section. Prices lower than the ceiling prices may be charged, demanded, paid, or offered.

(b) *Evasion.* The ceiling prices established by this regulation shall not be evaded either by direct or indirect methods in connection with the purchase, sale, delivery or transfer of petroleum products alone or in conjunction with any other materials, or by way of any commission, service, transportation, or any other charge, or discount, premium or other privilege, or by tie-in agreement or other trade understanding, or by a change in the quality of the product, or otherwise, except when such change in quality results from order of an agency of the United States Government.

(c) *Enforcement.* Any person who violates any provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for damage provided for by the Defense Production Act of 1950.

SEC. 16. *Definitions.* (a) *"Person"* includes an individual, corporation, partnership, association, or any other organized group of persons or legal successors and representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) *"Product of the same grade."* For a product of a particular seller to be regarded as of the same grade as the product of another seller it must customarily have been so regarded in trade practice in the general area where such products are sold.

(c) *"Contract"* means an agreement, the existence of which is established by written evidence.

(d) *"Base Period"* means the period from December 19, 1950 to January 25, 1951, inclusive.

(e) *"Tank Wagon Price"* means a particular price level as customarily established by a seller, regardless of the type or size of equipment that may be used for making deliveries, as distinguished from the retail service station price, or the "tank car" price, or other large lot quantity price levels. The tank wagon price is a delivered-at-destination price. However, if at a particular bulk plant or terminal the operator had a tank wagon price to consumers who picked up their supply at such bulk plant or terminal then the operator thereof may continue to charge or offer the tank wagon price to consumers at the particular bulk plant or terminal.

(f) *"Retail establishment"* means a store, shop, garage, service station (land or marine) or other stationary place of business at which the major portion of the sales of petroleum products is sold in customary small quantities to consumers. Any facility making deliveries of fuel into fuel tanks of aircraft at an

airport (or other landing area) shall be considered a retail establishment for the purpose of this regulation.

(g) *"Defense Agency."* This term as used in this regulation means the Department of Defense (including the Department of the Army, the Department of the Navy, and the Department of the Air Force), the Maritime Administration of the Department of Commerce, the United States Coast Guard, and the Atomic Energy Commission.

(h) *"Defense contract"* means any purchase order or written agreement with a Defense Agency.

(i) *"Subcontract"* means any purchase order, or agreement to perform all or any part of the work required under a defense contract or to make or furnish any commodity needed for the performance of a defense contract.

(j) *"Delivery point"* for sales made at the tank wagon price level whenever referred to in this regulation means the customary tank wagon price area of the seller. If a seller customarily maintains different price areas within the area customarily supplied from a bulk or distributing plant, such price areas being reflected by the seller on a stated price or differential basis, then each such price area shall be interpreted as a delivery point and the ceiling price of each seller in each such price area shall reflect his customary differentials or differences in prices.

(k) *"Offering price."* The price at which a product was offered means the price shown in the seller's price list, or if a particular price was not included therein, or if he had no price list, the price at which he offered products in any other written manner. Such prices shall be subject to seller's customary allowances, discounts, and price differentials.

(l) *"Sale."* This term for purposes of using the "ceiling price based on sales" method of Article II shall include:

(1) Sales in the base period pursuant to oral or written contracts, including spot sales, made during such period.

(2) Written contracts made during the base period whether or not any deliveries were made thereunder, and written contracts made during the period June 1, 1950, to December 19, 1950, inclusive, under which no deliveries were made in the base period but which provided for performance to begin during or after the base period.

(3) Deliveries made during the base period under a contract made between June 1, 1950, and December 19, 1950, if such contracts were adjustable to reflect market conditions during the base period, or in the case of tank wagon resellers if such contracts provided for varying the price to the reseller in accordance with a stipulated posted market price (or prices) at the point or points where such buyer resells.

Provided, however, that in all cases deliveries made in the base period under contracts entered into prior to June 1, 1950, shall not be considered as a "sale," unless the buyer and seller agree to continue such contracts, in which case the ceiling price may be established on the basis of such contracts.

(m) *"Purchaser of same class"* refers to the practice adopted by the seller in setting different prices for a product for sales to purchasers performing different functions (for example, refiner; jobber; distributor, commercial, industrial or private consumer; service station tank car dealer; divided or undivided tank wagon dealer; etc.), or for purchasers performing the same functions but located in different areas or buying in different quantities or grades or under different conditions of sale. Price is prima facie evidence but not conclusive evidence to be considered in determining if a purchaser belongs to a particular class; however, a lower price to a particular purchaser which was to meet competition and was otherwise inconsistent with the seller's practice in setting the same price to purchasers in the same functional class shall neither result in placing the particular purchaser in a lower price class nor be considered in determining a seller's ceiling price.

(n) *"Posted purchase price"* means a price schedule posted by a purchaser who, during the period December 19, 1950, to January 25, 1951, inclusive, actually purchased any of the products covered in Sec. 23 produced from any field, or delivered or tendered by a natural gasoline or cycling plant operator, refiner, blender, reseller or any other person and to which purchase the posted price was applicable.

(o) *"Natural gas," "petroleum gas," "casinghead gas" and "refinery gas"* as used in this regulation means any natural or petroleum gas which is sold to be processed for the extraction of vapors and liquids, or for consumption either directly as fuel or to be consumed in the production of any other commodity or for use in gas lift, pressure maintenance or repressuring operations, and includes such gas when delivered directly from wells, and the residue gas resulting from extraction operations.

[Paragraph (o) added by Amdt. 1]

ARTICLE II—CEILING PRICES

NOTE: In determining ceiling price the ceiling price shall reflect customary discounts, allowances and differentials based upon terms and conditions of sale or delivery.

SEC. 17. *Aviation gasoline.* (a) *Specific prices.* (Reserved.)

(b) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of aviation gasoline to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of aviation gasoline to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price.*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for aviation gasoline under (1) or (2) above, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling price.* If under this method (i) of pricing a seller arrives at a ceiling price for aviation gasoline which is not in line with the price he would have arrived at by use of his customary pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* See Section 28 of this regulation.

SEC. 18. *Automotive and marine gasoline.* (a) *Specific prices.* (Reserved.)

(b) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of automotive or marine gasoline to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of automotive or marine gasoline to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price.*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for automotive or marine gasoline under (1) or (2) above, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class

to a purchaser of the same class for the same shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling price.* If under this method (i) of pricing a seller arrives at a ceiling price for automotive or marine gasoline which is not in line with the price he would have arrived at by use of his customary pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, inclusive, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* See Section 28 of this regulation.

SEC. 19. *Petroleum naphthas and solvents.* (a) *Specific prices.* (Reserved.)

(b) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of petroleum naphthas or solvents to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1) the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of petroleum naphthas or solvents to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price.*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for petroleum naphthas or solvents under (1), or (2) above, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the same shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling price.* If under this method (i) of pricing a seller arrives at a ceiling price for petroleum naphthas or solvents which is not in line with the price he would have arrived at by use of his customery pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* See Section 28 of this regulation.

SEC. 20. *Kerosenes, Tractor Fuels, Distillates and Heating Oils.* (a) *Specific prices.* (Reserved.)

(b) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of kerosene, tractor fuel, distillate or heating oil to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of kerosene, tractor fuel, distillate or heating oil to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price.*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for kerosene, tractor fuel, distillate or heating oil under (1) or (2) above, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the same shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling price.* If under this method (i) of pricing a seller arrives at a ceiling price for kerosene, tractor fuel, distillate or heating oil which is not in line with the price he would have arrived at by use of his customary pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* See Section 28 of this regulation.

SEC. 21. *Residual fuel oils and blends thereof with distillate fuel oils.*—(a) *Specific prices.*—(1) *No. 6 Commercial Standard Specifications Fuel Oil.* The ceiling prices for sales of No. 6 Commercial Standard Specifications Fuel Oil in bulk lots delivered into ships' bunkers (ex lighterage) and delivered into barge and tank car or transport trucks, f. o. b. refineries and tanker terminals shall be as follows at the enumerated points below:

Atlantic coast ports	Dollars per 42-gallon barrel	
	Ships' bunkers (ex lighterage) or barge	Tank car or transport truck
Searsport, Maine	2.51	2.54
Portland, Maine	2.51	2.54
Portsmouth, New Hampshire	2.51	2.54
Everett, Massachusetts	2.51	2.51
Boston Harbor Area	2.51	2.51
Fall River, Massachusetts	2.47	2.47
Tiverton, Rhode Island	2.47	2.47
Providence Harbor Area	2.47	2.47
New London, Connecticut	2.47	2.47
New Haven, Connecticut	2.47	2.47
Bridgeport, Connecticut	2.47	2.47
New York Harbor Area	2.45	2.45
Philadelphia Harbor Area	2.45	2.48
Baltimore, Maryland	2.45	2.48
Norfolk, Virginia	2.40	2.43
Morehead City, North Carolina	2.34	2.37
Charleston, South Carolina	2.31	2.34
Savannah, Georgia	2.31	2.34
Jacksonville, Florida	2.28	2.31
Miami, Florida	2.22	2.25
Tampa, Florida	2.16	2.19
Port St. Joe, Florida	2.16	2.19
Panama City, Florida	2.16	2.19

(2) *Other residual fuel oil products.* Any seller who during the base period maintained a customary differential between No. 6 Commercial Standard Specifications Fuel Oil and other residual fuel oil products, such as low sulphur (maximum 1 per cent) No. 6 fuel oil, residual gas enrichment oils, residual No. 4 and 5 fuel oils and special No. 4 residual fuel oils may add such base period differentials to the ceiling prices determined under subparagraph (1) of this paragraph.

(3) *Preservation of discounts, differentials, and allowances.* The ceiling prices determined under subparagraphs (1) and (2) of this paragraph shall reflect customary discounts, differentials and allowances in effect in the base period to all classes of purchasers.

[Paragraph (a) added by Amdt. 2; amended by Amdt. 3]

(b) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of residual fuel oil to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of residual fuel oil to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for residual fuel oil under (1) or (2) above, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the same shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling price.* If under this method (i) of pricing a seller arrives at a ceiling price for residual fuel oil which is not in line with the price he would have arrived at by use of his customary pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* (See Section 28 of this regulation.)

SEC. 22. *Liquefied petroleum gases.* (a) *Specific prices.* (Reserved.)

(b) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of liquefied petroleum gas to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of liquefied petroleum gas to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price.*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for liquefied petroleum gas under (1) and (2) above, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the same shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling prices.* If under this method (i) of pricing a seller arrives at a ceiling price for a liquefied petroleum gas which is not in line with the price he would have arrived at by use of his customary pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* See Section 28 of this regulation.

SEC. 23. *Natural gasoline.* (a) *Specific prices.* (Reserved.)

(b) *Posted prices:*

(1) In areas where natural gasoline is customarily purchased and sold on the basis of posted purchase prices the ceiling price for natural gasoline so sold and purchased shall be:

(i) *Posted purchase price.* The ceiling price for natural gasoline from any given field shall be the posted purchase price as of January 25, 1951, for said field.

(ii) *Two or more posted purchase prices.* Where there was for any field more than one posted purchase price, the ceiling price for natural gasoline shall be the highest of the posted purchase prices.

(iii) *Contract in excess of posted purchase price.* Notwithstanding (i) and (ii), above where a contract was in effect on January 25, 1951, and was made prior to December 9, 1950, for the purchase of natural gasoline at the receiving tank at a price in excess of the highest posted purchase price for the given field and deliveries were made prior to January 25, 1951, in accordance with such contract, then the price actually charged on January 25, 1951, shall be the ceiling price for the natural gasoline covered by the contract. On termination of the contract establishing the ceiling price for the production involved, any purchaser may purchase the production involved at the price charged under the contract on January 25, 1951, regardless of any posted purchase price.

(c) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of natural gasoline to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of natural gasoline to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price.*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for natural gasoline under (1) or (2) above, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the same shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling price.* If under this method (i) of pricing a seller arrives at a ceiling price for natural gasoline which is not in line with the price he would have arrived at by use of his customary pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is

established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* See Section 28 of this regulation.

SEC. 23a. *Natural gas, petroleum gas, casinghead gas and refinery gas.*—(a) *Exemption.* Nothing in this section shall be construed to authorize the regulation of a rate that is exempt from control by the Office of Price Stabilization under the Defense Production Act of 1950.

(b) *Specific prices.* In cases where there were published rate schedules, or offering prices, of a seller during or within one year prior to the base period, then the highest of such published rates or prices shall be the ceiling prices of the seller as to the classes of purchasers to whom such rate schedules or offering prices relate in any particular market or producing area. In order for a seller to price under this section his published rates, or offering prices, shall be filed with the Petroleum Branch of the Office of Price Stabilization, Washington 25, D. C., on or before May 15, 1951.

(c) *Formula prices*—(1) *Ceiling prices based on sales.* In the absence of a specific price determined under paragraph (b) of this section, the ceiling price for each seller at each delivery point in a particular market or producing area shall be the highest price charged by him in such particular market or producing area during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular type of gas to a purchaser of the same class. In the case of sales of natural gas, petroleum gas, casinghead gas, and refinery gas, the definition of sale contained in the definitions section of this regulation shall not apply. For these products sale shall include:

(i) Sales in the base period pursuant to oral or written contracts, including spot sales, made during such period.

(ii) (Deleted)

[Subdivision (ii) deleted by Amdt. 4]

(iii) Written contracts made in the base period whether or not any deliveries were made thereunder, and written contracts made during the period June 1, 1950, to December 18, 1950, inclusive, under which no deliveries were made in the base period but which provided for performance to begin during or after the base period.

(iv) Deliveries made during the base period under a written contract made prior to December 19, 1950, and after June 1, 1950, if the prices reflected current market conditions.

(2) *Existing contracts.* (i) Where a buyer and seller have entered into a contract prior to January 25, 1951 such contract may be carried out in accordance with its terms, notwithstanding any other provisions of this regulation.

(ii) All long term written contracts in effect in the base period may be used, in accordance with the terms of such contracts, as the basis for determining ceiling prices for all purchasers of the same class notwithstanding the provisions of subparagraph (1) of this paragraph.

[Subparagraph (2) amended by Amdt. 4]

(3) *Competitive or in-line ceiling price*—(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for a particular gas under subparagraph (1) of this paragraph or in cases falling under subparagraph (2) the seller does not choose to determine his ceiling under subparagraph (2), his ceiling price at the delivery point shall be the highest ceiling price of any seller of the same class for gas of the particular type to a purchaser of the same class in the same market or producing area. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller under similar contract terms.

[Subdivision (i) amended by Amdt. 4]

(ii) *In-line ceiling price.* If under this method (3) (i) of pricing, a seller arrives at a ceiling price for a particular gas which is not in line with the price he would have arrived at by use of his customary pricing practices in the same market or producing area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the particular gas at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* See section 28 of this regulation.

[Section 23a added by Amdt. 1]

SEC. 24. *All other petroleum products included under this Regulation.* (a) *Specific prices.* (Reserved.)

(b) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of any other petroleum product included under this Regulation but not listed under one of the foregoing sections to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of any other petroleum product included under this Regulation but not listed under any of the foregoing sections to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price.*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine under (1) or (2) above a ceiling price for any other petroleum product included under this Regulation but not listed under any of the foregoing sections, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the same shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling prices.* If under this method (i) of pricing a seller arrives at a ceiling price for a petroleum product included under this Regulation but not listed under any of the foregoing sections which is not in line with the price he would have arrived at by use of his customary pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final Pricing method.* See Section 28 of this regulation.

ARTICLE III—INCREASES PERMITTED OR REDUCTIONS REQUIRED

SEC. 25. *Transportation.* (a) There may be added to the applicable ceiling prices determined under other sections of this Regulation an amount not in excess of the following:

(1) The increased costs to the seller or his reseller customer resulting from transportation rate increases after January 25, 1951, permitted by Federal or State regulatory bodies or by the Office of Price Stabilization.

(2) Where transportation is in facilities owned or controlled by the seller the same increases as provided in (1) above where the movement involved is in lieu of transportation by such regulated carrier.

Provided, however, there may be added by the seller to the applicable ceiling price established herein an amount not

in excess of the transportation tax imposed by Section 620 of the Revenue Act of 1942 if the seller incurred such tax.

(b) A seller adding transportation increases may round out fractions of cents per gallon in line with his customary base period practices.

[Paragraph (b) added by Amdt. 4]

SEC. 26. *Taxes.* Any tax increase, or new tax after January 25, 1951, imposed upon or incident to the sale, production, gathering, severance, transportation, delivery, processing or use of any petroleum product covered by this regulation, excepting import duties, may be collected by a seller in addition to the ceiling prices established under this regulation, if the seller is required by law to collect or pay such tax.

SEC. 27. *Increases permitted for designated areas*—(a) *Export sales and sales in the territories of the United States.* Any export regulation which may hereafter be issued shall be applicable to export sales and sales for export of commodities covered by this regulation. Sellers of commodities covered by this regulation who during the base period treated purchasers in the territories of the United States as purchasers of a separate class from purchasers located in the continental United States may continue to apply on their sales to these purchasers their customary differentials. Such customary differentials may include charges for special packing if it was the sellers' practice to include such charges on their sales to purchasers in the territories during the base period.

(b) *Puerto Rico and the Virgin Islands.* On deliveries of residual fuel oil or blends thereof in Puerto Rico and the Virgin Islands, a seller may add to his f. o. b. or delivered ceiling price 7¢ per barrel plus any duty actually paid by him in excess of 10½¢ per barrel, unless the seller has already added increased duty charges pursuant to paragraph (a) of this section.

(c) *Delivered cargo ceiling prices for residual fuel oil and blends thereof with distillate fuel oils at Atlantic Coast ports*—(1) *No. 6 Commercial Standard Specifications Fuel Oil.* The delivered cargo ceiling prices of all sellers for sales of No. 6 Commercial Standard Specifications Fuel Oil applicable to all classes of purchasers in effect prior to June 4, 1951, shall be increased by the amounts per barrel indicated at the points enumerated in the table below:

Atlantic coast ports	Dollars per 42-gallon barrel Increases in delivered cargo prices
Searsport, Maine	$0.31
Portland, Maine	.31
Portsmouth, New Hampshire	.31
Everett, Massachusetts	.31
Boston Harbor Area	.31
Fall River, Massachusetts	.295
Tiverton, Rhode Island	.295
Providence Harbor Area	.295
New London, Connecticut	.295
New Haven, Connecticut	.32
Bridgeport, Connecticut	.32
New York Harbor Area	.30
Philadelphia Harbor Area	.30
Baltimore, Maryland	.30
Norfolk, Virginia	.25
Morehead City, North Carolina	.22
Charleston, South Carolina	.21
Savannah, Georgia	.21
Jacksonville, Florida	.19
Miami, Florida	.17
Tampa, Florida	.17
Port St. Joe, Florida	.17
Panama City, Florida	.17

(2) *Other residual fuel oil products.* Any seller who during the base period maintained a customary differential between No. 6 Commercial Standard Specifications Fuel Oil and other residual fuel oil products, such as low sulphur (maximum 1 per cent) No. 6 fuel oil, residual gas enrichment oils, residual No. 4 and 5 fuel oils and special No. 4 residual fuel oils may add such base period differentials to the ceiling prices determined under subparagraph (c) (1) of this section.

(3) *Increases for other transactions and at other points.* An f. o. b. or delivered ceiling price, in effect prior to June 4, 1951, of any seller of residual fuel oil or blends thereof, whose ceiling price is not established in section 21 (a) (1) and (2), shall be increased to each class of purchaser by the amount of the increase specified in the table in paragraph (c) (1) of this section in the following cases:

(i) On sales at any point where the purchaser is of a class which was customarily, and is presenty, supplied from the points designated in the table in paragraph (c) (1) of this section.

(ii) On sales at any point where the seller's price of residual fuel oil, or blends thereof, was customarily based upon the price at a point set forth in the table in paragraph (c) (1) of this section, in which case the increase can be added irrespective of where the product originates.

(4) *Preservation of discounts, differentials, and allowances.* The ceiling prices determined under this section shall reflect customary discounts, differentials and allowances in effect in the base period to all classes of purchasers.

[Section 27 amended by Amdt. 3]

ARTICLE IV—FINAL PRICING METHOD

SEC. 28. *Seller unable to determine ceiling price.* (a) If under other provisions of this regulation, a seller is unable to determine his ceiling price at a given shipping or delivery point for any product covered by this regulation, then the seller may nevertheless make a sale of such product at that point. If a seller wishes, he may file a ceiling price before making a sale. If the ceiling price is not filed in advance he must within 15 days after making the sale file with the Petroleum Branch of the Office of Price Stabilization, Washington 25, D. C. a written report of the ceiling price including a statement setting forth:

(1) The sale price with careful details of the sale, or if no sale is made the ceiling price which is requested.

(2) An explanation as to why the seller is unable to establish a ceiling price under preceding articles of this regulation.

(3) Whenever applicable, that the ceiling price is in line with his own ceiling price for the same product at three other points nearest the point at which the sale is made.

(4) Whenever (3) is not applicable, an explanation, supplemented by specifications as to how the particular product differs from the two products having the most nearly similar specifications for which ceiling prices are established under preceding articles of this Regulation, the ceiling prices of such products and a statement showing the method of evaluating the product used by the seller.

[Paragraph (a) amended by Amdt. 4]

(b) The price filed shall be the seller's ceiling price at the shipping point or delivery point for the particular product unless or until a substitute ceiling price is established.

[Paragraph (b) amended by Amdt. 4]

(c) If a seller shall fail to report a sale as required by this section, the Office of Price Stabilization may at any time upon written notice to the seller establish his ceiling price for the particular product at the particular point effective retroactively to a date 15 days after the making of the sale.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

By: J. L. DWYER,
Recording Secretary.

[F. R. Doc. 51-14613; Filed, Dec. 6, 1951; 10:34 a. m.]

[Ceiling Price Regulation 24, Amdt. 7]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to the allocation of meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273), this Amendment 7 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to CPR 24 makes several substantive changes as well as certain clarifications of a minor nature.

1–2. Certain minor clarifications are made in section 4 (b) (2) and section 4 (c). Further, a container addition has been provided for, in section 4 (b) (2), where delivery of imported cured boneless beef is made in a non-returnable container.

3. Retailers located in the territories and possessions of the United States, like all other retailers, have heretofore been unable to purchase fabricated cuts because CPR 24 restricted sales of fabricated cuts to certain other buyers. Such retailers have customarily purchased fabricated cuts from suppliers in the United States, and have thereby

effected savings in freight costs. Section 8 (b) (3) has, therefore, been amended to omit the prohibition on sales of fabricated cuts to retailers located outside of the continental limits of the United States, and section 21 (d) has been amended to permit sales to such retailers at the prices specified therein.

4. The provisions for designation of class of buyer and seller have been amended so as to eliminate designation of the class of buyer and seller, where the buyer or seller is a slaughterer, and designation of the class of buyer where a slaughterer is selling to a retailer. Furthermore, this amendment permits the use, under certain conditions, of symbols or abbreviations other than those specified. Penalties for failure to designate the class of buyer or seller have been provided in section 11 (e).

5. When CPR 24 was issued, prices were established not only for the various carcasses and cuts of beef, but also for the various grades of beef. This is because beef varies very widely in quality, all the way from cutter and canner grades, which are generally suitable only for processing, to choice and prime grades sold in most retail stores and restaurants. In a free market, beef of varying quality is sold at varying prices. It was obvious at the time of the issuance of CPR 24 that the regulation had to recognize the traditional practice of establishing different prices for beef of different quality. Any other alternative would have made it possible to sell beef of inferior quality at an unreasonably high price in relation to cost, or would have required the sale of beef of superior quality at an unreasonably low price in relation to cost. Any other alternative, moreover, would not have provided cattle feeders with any incentive to continue raising superior grades of cattle, and would have made only inferior grades of meat available on the market. Consequently, the Director of Price Stabilization determined that the dollars and cents ceilings to be embodied in CPR 24 would have to be based on a recognition of differences in quality of beef, that the Department of Agriculture standards for grading beef were the only practical and uniform measure of these differences in quality, and that, accordingly, the only practicable method of effective price control of beef was to establish ceilings based on the standard Department of Agriculture grades.

CPR 24 at the time of its issuance contained a number of provisions implementing this basic decision. One of these was the requirement that each invoice show the grade of beef sold. This amendment is designed to strengthen this invoicing requirement. Therefore, section 11 is amended to prohibit the sale of beef at a price higher than that established for the lowest grade, if the seller fails to state the grade on the sales invoice.

6a. Amendment 6 to CPR 24 removed short loins and sirloins from the primal cut schedule and added them to the fabricated cut schedule. It has, however, been customary in many areas for retailers to buy sirloins, either as a separate cut or as part of a single cut consisting of the round, sirloin and flank. Few, if any, retailers ever used the extra short loins. Accordingly, section 20 has been amended to permit retailers to purchase a new cut entitled "Hip Round", which consists of the round, sirloin and flank, all in one piece. This amendment will enable packers to provide retailers with sirloins without requiring retailers to take the short loins, and, at the same time, will make available for purveyors of meals the extra short loins which they normally use.

6b. and c. Hotel supply houses have heretofore been permitted a markup of $1.50 per cwt. on sales of carcasses and primal cuts. Traditionally, many hotel supply houses sold a substantial part of their tonnage in the form of primal cuts. However, because of the small markup permitted on sales of this type, most hotel supply houses have limited their sales exclusively to fabricated cuts. Thus, many purveyors of meals, who customarily purchase quarters of beef or primal cuts, found that their regular suppliers were no longer willing to sell them these cuts. This amendment, therefore, provides, in section 20, a markup for carcasses and primal cuts more nearly in keeping with the customary markup enjoyed by this segment of the trade on this type of business. While the markup is higher than that provided in the original regulation, offsetting economies will be realized by purveyors of meals who will now be able to purchase a larger volume of primal cuts. Corresponding changes in markups have also been made for combination distributors and for ship suppliers.

7. Certain changes have been made in section 21:

The prices for both boneless rounds and boneless rumps have been changed so as to provide a better relationship between these prices and facilitate the sale of both of these items.

The prices for trimmed tenderloins have been revised to conform with new cutting tests indicating lower yields.

The prices for oven prepared ribs and short ribs have been adjusted more nearly in line with the prices which existed prior to the issuance of Amendment 6.

A new cut has been defined and priced, namely "trimmed short ribs", which consists of the first 4-rib section of the short rib.

Ship suppliers who purchase fabricated cuts under Schedule II (c) are required to certify that such items will be sold to ship operators.

The section has been amended so as to more clearly designate the types of sales to which Schedule II (d) is applicable.

Schedule II (d) has been amended to permit the sale of fabricated cuts to processors, since many processors normally use only a portion of a carcass or primal cut in their processing operations, or do not have the facilities to do their own fabricating.

8a. Sections 23 and 25 of CPR 24 established ceiling prices for boneless bull carcasses with bull tenderloins removed. However, there was no price fixed in the regulation for the sale of bull tenderloins. This amendment corrects that omission by permitting bull tenderloins to be sold at the price esablished in the regulation for Cutter and Canner Grade cow tenderloins.

8b. Spencer rolls were, prior to the issuance of Amendment 6, priced as fabricated beef cuts under section 21 of the regulation. Amendment 6 eliminated both spencer rolls and regular rolls from section 21. Many sellers desire to continue the sale of spencer rolls and for that reason a new price is established in section 22 for spencer rolls. At the same time, sellers who have inventory stocks of commercial grade regular rolls and spencer rolls which were acquired prior to September 19, 1951 are given, in section 51, the right to sell these items at the prices which prevailed prior to the issuance of Amendment 6.

In preparing corned beef briskets and corned short plates, processors obtain substantial quantities of fat trimmings which do not conform with the specifications for regular trimmings. Therefore, a price has been added in section 22 for plate and brisket trimmings. These trimmings are permitted to have up to 50 percent trimmable fat.

8c. During recent years there has been a rather widespread increase in the production of prepackaged ground beef products. In many cases these ground beef items are sold by independent frozen food distributors. This class of seller normally obtained a somewhat higher margin than was customary for wholesalers. When CPR 24 was issued, no special markup was given to these frozen food distributors. However, further study has indicated that these distributors require an increased margin. Accordingly, on the basis of the information furnished by the trade, a markup of $5.00 per cwt. over cost has been provided in section 22 for these independent frozen food distributors. This distributing margin is in line with the customary margin enjoyed by this segment of the trade.

9. The mark-up originally provided for wholesalers was $2.25 per cwt. on all sales of beef and beef by-products. However, it has been brought to the attention of the Director of Price Stabilization that wholesalers normally enjoy a higher mark-up on livers due to the fact that there is a much greater shrink in livers than other types of meat. Accordingly, to compensate for this additional shrink, the wholesaler's mark-up on livers has been increased to $5.00 per cwt.

10a. Before the prices for fabricated cuts were established a thorough study was made of the historical margins enjoyed on sales of fabricated cuts by various segments of the meat industry. An effort was made to fix the prices of fabricated cuts so that all sellers would be able to derive as nearly as possible the average margins which they enjoyed in the past. All calculations were made on the basis of the prices prevailing in the base zone. However, when tests were made it was found that sellers in the base zone had greater margins than those outside of the base zone. This was due to the fact that the zone differential allowance on fabricated cuts was inadequate.

The zone differential allowance for fabricated cuts was originally established at approximately 10 percent higher than the zone differential allowances for carcasses and primal cuts. Since the weight of fabricated cuts is approximately 75 percent of the weight of the primal cuts from which they are derived, the 10 percent increase in the zone differential allowance was inadequate. Accordingly, where the zone differential allowance for primal cuts is equal to 115 percent of the fresh meat carload freight rate, the differential for fabricated cuts has been changed to 150 percent of the fresh meat carload freight rates in order to equalize the margins for sellers of fabricated cuts in all areas. Similarly, where the zone differential allowance for primal cuts is 60 percent of the fresh meat carload freight rate, the corresponding zone differential for fabricated cuts has been changed to 80 percent of the fresh meat carload freight rate, and, where the zone differential allowance was equal to the fresh meat carload freight rate on carcasses and primal cuts, the differential for fabricated cuts has been changed to 130 percent of the fresh meat carload freight rate.

10b. Because there are special fresh meat carload freight rates to some cities in LaPorte and St. Joseph Counties, Indiana, which are not applicable to other cities in those counties, there is a distortion in the ceiling prices in those counties. In order to equalize the differential at all distribution points in each of these counties, this amendment requires sellers to use specified amounts rather than the zone differentials heretofore provided in section 40 (e).

11. This amendment, in section 42 (b) (iii), prohibits a slaughterer from taking the wholesaler's addition on beef purchased from unaffiliated sources, where not only the slaughterer, but any person affiliated with him, sells to another slaughterer or his affiliate. The effect of the change is to tighten the prohibition against cross sales.

12. A new schedule of wrapping charges has been provided in section 44 so that sellers may obtain additions for single double and triple wrapping. The triple wrapping is frequently required by the Department of Defense. Additions have also been provided for other specified types of wrapping in use by sellers.

13. When the regulation was issued peddler truck sellers were given an addition of $2.50 per cwt. on sales of fresh beef which represented the normal margin enjoyed by this segment of the trade. This addition is adequate on sales of beef purchased from packers. In many cases, however, particularly in larger metropolitan areas, peddlers must purchase beef from independent wholesalers. In such instances, peddlers have been required to pay the wholesaler's addition of $1.25 per cwt. thus reducing their margin in half. Accordingly, section 46 has been amended to permit peddlers to add to their regular markup of $2.50 per cwt., the amount which they pay to the independent wholesaler, not exceeding $1.00 per cwt., for all beef purchased from such wholesaler.

14. Section 48 has been amended by simplifying the additions for kosher wholesale cuts derived from cattle slaughtered in Zone 4 (a), and by removing the extra premium on non-kosher ribs so as to eliminate any incentive to divert kosher ribs to the non-kosher trade.

This section has further been amended to permit the local slaughter addition to be taken on sales of non-kosher wholesale cuts to defense procurement agencies. Amendment 6 limited these additions to sales to retailers or purveyors of meals, in order to prevent increased retail prices of these cuts which would necessarily result if the addition were to be allowed on sales to wholesalers. This consideration, however, does not apply in the case of sales to defense procurement agencies and, accordingly, this amendment permits such sales.

15. An addition has been provided, in section 49 (A) for a new class of seller designated as an "Intermediate Distributor". Many meat sellers cannot qualify as independent wholesalers by reason of the fact that they do not maintain fixed selling establishments equipped with reasonable and adequate storage facilities through which they handle at least 90 percent of all the meat sold by them. These sellers customarily purchase carloads of beef which they sell directly from the freight car, or else place in a commercial freezer until time of sale. These sellers should not be classed as meat brokers inasmuch as they actually take title to the meat that they purchase, incur all transit or storage loss, including shrinkage, and resell the meat for their own account.

Intermediate distributors have been provided in this amendment with a markup of $1.00 per cwt. Since they do not maintain fixed selling establishments with storage facilities, their operating costs are normally lower than those for independent wholesalers. Since, however, they incur all transit or storage loss, as well as all selling risks, they have been provided with a markup higher than that provided for meat brokers.

The intermediate distributor's addition may be taken only on the volume by weight of beef bought and resold by the intermediate distributor during 1950 for his own account. This restriction is necessary to prevent a broker, who in the past bought and resold a small portion of beef for his own account, from altering his normal method of doing business in order to take the intermediate distributor's addition.

16. A markup of $1.50 per cwt. has been authorized for affiliated boners—e.g. slaughterers or their affiliates who sell boneless beef derived from carcass beef purchased from unaffiliated sources. The markup permitted for sales of this type is the same as the markup authorized for non-slaughtering independent boners since the cost of the meat purchased from unaffiliated sources is the same for both. In order to restrict the markup solely to meat produced exclusively from carcasses obtained from unaffiliated sources, affiliated boners are required to submit detailed reports, and a penalty has been provided for unauthorized additions.

17. Changes have been made in the definitions of the following terms: Affiliated, Combination Distributor, Defense Procurement Agency, Purveyor of Meals, Ship Supplier, Slaughterer, Slaughtering Plant and Slaughtering Facilities. The effect of these changes is to permit independent wholesalers to qualify for the wholesaler's addition even though they are obligated to a slaughterer on an open account for an amount in excess of 5 percent of monthly sales; to exclude as combination distributors sellers who are normally considered retailers; to permit private vessels which operate under the Maritime Administration to qualify as purveyors of meals; to limit the prices specified for ship suppliers to sales to ship operators only; and to limit slaughterers, for the purposes of this regulation to slaughterers of cattle and exclude persons who slaughter other species but do not slaughter cattle.

A definition of the term "Intermediate Distributor" has been added.

18–21. Definitions of certain beef items have been amended and new definitions have been added. Furthermore, as already pointed out, sales of certain inventory stocks of spencer rolls and regular rolls are permitted.

The prices established by this amendment are not below the lower of the prices prevailing just before the issuance date of this regulation or the prices prevailing during the period January 25, 1951 to February 24, 1951, inclusive.

In formulating this amendment the Director of Price Stabilization has consulted as far as practicable with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 4 (b) (2) is amended by deleting the last sentence and substituting the following:

No changes or additions may be added to the ceiling prices specified above, except the additions permitted in section 42 and, if the meat is shipped or delivered in a container which is not to be returned to the seller, an addition equivalent to the cost of the shipping container or $1.00 per cwt., whichever is less.

2. Section 4 (c) is amended by deleting the section and substituting the following:

(c) *Specialty steak products.* If, during 1950, you manufactured or processed specialty steak products, as defined in

Appendix 7 (e), or if you are a distributor of such specialty steak products, your ceiling prices for such specialty steak products are established by the General Ceiling Price Regulation, as it is, or may be, amended and supplemented. You must, however, file the report required by section 10 (b). If you did not produce these items during 1950, see section 4 (d).

3. Section 8 (b) (3) is deleted and the following substituted:

(3) Selling or invoicing fabricated beef cuts to buyers other than purveyors of meals, hotel supply houses, combination distributors, ship suppliers, peddler truck sellers, or retailers located outside the forty-eight States and the District of Columbia.

4. Section 9 (a) (5) is amended by deleting the section and substituting the following:

(5) The names and addresses of the parties taking part in the transaction and the class of buyer or recipient and seller or transferor, i. e., retailer (R), purveyor of meals (PM), wholesaler (W), combination distributor (CD), hotel supply house (HSH), peddler truck seller (P), intermediate distributor (ID), or ship supplier (SS). If you are a slaughterer, you need not show the class of seller designation and you need not show the designation (R) on sales to retailers.

The abbreviations indicated above must be used to designate the class of buyer and seller. If prior to September 19, 1951, you used abbreviations or symbols other than those indicated above, you may continue to use them. You may not, however, change or alter your abbreviations or symbols unless you substitute therefor the symbols indicated above.

5. Section 11 is amended by adding a new paragraph (d) and a new paragraph (e) to read as follows:

(d) *Failure to state grade.* If you do not furnish to the buyer a written statement, as required by section 9 (b) (1), in which is stated the grade of the beef product sold, transferred, delivered or purchased, received or acquired, you shall not sell or deliver, and the buyer may not receive or accept, such beef product at a price higher than the ceiling price established by this regulation for the lowest grade of such beef product.

(e) *Failure to designate class of buyer or seller.* If the invoice or other record relating to any sale or receipt of any beef or beef product, other than a fabricated cut, does not show the class of buyer and seller, as required by section 9 (a) (5), you shall not charge or receive, and the buyer shall not pay, more than the applicable price listed in the appropriate schedule of this regulation, and you shall not add any additions other than the addition in section 40. If a fabricated cut is sold or received and the class of buyer and seller is not designated on the invoice or other record relating thereto, you shall not charge or receive, and the buyer shall not pay, more than the price for that cut listed in Schedule II (d), and you shall not add any additions other than the addition in section 40.

6. Section 20 is amended as follows:

a. A new item (17) is added to Schedule I:

	Prime	Choice	Good	Commercial	Utility
(17) Hip round	$59.30	$58.40	$57.50	$53.50	$50.80

b. Item (3) under "Special Adjustments" is deleted and the following substituted:

(3) If you are a hotel supply house, you may add $1.50 per cwt. to the prices listed above, except on sales to purveyors of meals in which case you may add $5.00 per cwt. to the prices listed above.

c. Item (4) under "Special Adjustments" is deleted and the following substituted therefor:

(4) If you are a combination distributor not affiliated with a slaughterer, you may add to the prices listed above $4.00 per cwt. on all sales to purveyors of meals, and $2.00 per cwt. on all other sales. If you are a combination distributor affiliated with a slaughterer, you may add to the prices listed above $4.00 per cwt. on sales to purveyors of meals only.

If you are a ship supplier, you may add to the prices listed above $5.00 per cwt. on sale to ship operators.

7. Section 21 is amended as follows:

a. Schedule II (a) is amended by deleting the prices for items 1, 2, 11, 19, and 20 and substituting therefor the prices listed below, and by adding a new item 39, entitled "trimmed short ribs."

	Prices by Grade				
	Prime	Choice	Good	Commercial	Utility
1. Round (rump and shank off)	$82.60	$82.60	$82.60	$79.10	$72.80
2. Boneless rump (butt)	77.00	77.00	77.00	62.50	61.60
11. Beef tenderloin	179.80	169.80	160.00	136.60	134.60
19. Oven-prepared rib	105.60	95.00	84.40	72.30	64.70
20. Short ribs	36.00	36.00	36.00	36.00	36.00
39. Trimmed short ribs	48.00	48.00	48.00	48.00	48.00

b. Schedule II (b) is amended by deleting the prices for items 1, 2, 11, 19 and 20 and substituting therefor the prices listed below, and by adding a new item 39, entitled "trimmed short ribs."

	Prices by Grade				
	Prime	Choice	Good	Commercial	Utility
1. Round (rump and shank off)	$80.20	$80.20	$80.20	$76.90	$70.70
2. Boneless rump (butt)	74.90	74.90	74.90	60.70	59.90
11. Beef tenderloin	174.80	164.90	155.50	132.40	130.60
19. Oven-prepared rib	102.60	92.30	82.00	70.20	62.80
20. Short ribs	35.00	35.00	35.00	35.00	35.00
39. Trimmed short ribs	46.40	46.40	46.40	46.40	46.40

c. Schedule II (c) is amended by adding immediately following the first sentence preceding the schedule, the following:

You may not sell or deliver to a ship supplier any fabricated beef cuts at the prices specified in this schedule, unless and until the ship supplier has furnished you with a written statement certifying that the fabricated cut you are selling or delivering to him will be sold or delivered to ship operators only.

d. Schedule II (c) is further amended by deleting the prices for items 1, 2, 11, 19 and 20 and substituting therefor the prices listed below, and by adding a new item 39, entitled "trimmed short ribs".

	Prices by Grade				
	Prime	Choice	Good	Commercial	Utility
1. Round (rump and shank off)	$77.90	$77.90	$77.90	$74.60	$68.60
2. Boneless rump (butt)	72.70	72.70	72.70	58.90	58.10
11. Beef tenderloin	169.80	160.10	150.80	128.60	126.90
19. Oven-prepared rib	99.70	89.60	79.60	68.10	60.90
20. Short ribs	34.10	34.10	34.10	34.10	34.10
39. Trimmed short ribs	44.70	44.70	44.70	44.70	44.70

e. Schedule II (d) is further amended by deleting paragraphs (1), (2) and (3) and substituting the following:

(1) Sales of fabricated cuts to hotel supply houses or combination distributors by all sellers, other than packing or slaughtering plants and packer branch houses; and

(2) Sales of fabricated cuts to processors and peddler truck sellers by all sellers; and

(3) Sales of all utility grade fabricated cuts, and sales of short loins of all grades, to hotel supply houses and combination distributors by packing or slaughtering plants and packer branch houses;

(4) Sales of fabricated cuts to retailers located outside of the forty-eight States and the District of Columbia.

f. Schedule II (d) is amended by deleting the prices for items 1, 2, 11, 19 and 20 and substituting therefor the prices listed below, and by adding a new item 39, entitled "trimmed short ribs".

	Prices by Grade				
	Prime	Choice	Good	Commercial	Utility
1. Round (rump and shank off)	$74.70	$74.70	$74.70	$71.60	$65.80
2. Boneless rump (butt)	69.80	69.80	69.80	56.50	55.80
11. Beef tenderloin	164.30	154.00	144.90	123.30	121.70
19. Oven-prepared rib	95.70	86.10	76.40	65.30	58.40
20. Short ribs	32.80	32.80	32.80	32.80	32.80
39. Trimmed short ribs	42.40	42.40	42.40	42.40	42.40

8. Section 22 is amended as follows:

a. Schedule III is amended by adding, immediately after the word "Tenders" in item 6, the number "2" to designate the following new footnote:

[2] Bull tenderloins shall be regarded as cutter and canner grade tenders for the purpose of pricing under Schedule III.

b. Schedule III is amended by adding the following new items (24) and (25) and the following new footnote 3.

	Utility	Cutter and canner
(24) Spencer roll	85.00	70.00
(25) Plate and brisket trimming (Kosher and non-Kosher) [3]	34.00	34.00

[3] This price shall apply to plate and brisket trimmings derived from beef of all grades.

c. Schedule III is amended by adding the following new item (3) under Special Additions:

(3) If you sell frozen ground beef, frozen ground beef patties, frozen lean ground beef, or frozen lean ground beef patties which you purchase already processed and packaged for resale from a non-affiliated source, you may add to the prices listed above the amount of $5.00 per cwt. on sales to retailers and purveyors of meals.

9. Section 26 as amended by adding, immediately after the word "Livers [2]" in item 9, the number "4" to designate the following new footnote:

[4] If you are a wholesaler, you may add, in lieu of the additions permitted in Section 42, the amount of $5.00 per cwt. to the prices listed above for sales of livers to retailers.

10. Section 40 is amended as follows:

a. Footnote [1] in section 40 is deleted and the following substituted:

[1] For fabricated cuts, you may substitute 150 percent of the fresh meat railroad carload freight rate where 115 percent is allowed, 130 percent where the actual fresh meat carload freight rate is allowed, and 80 percent where 60 percent is allowed in this section 40.

b. Section 40 (e) is amended by adding, at the end thereof, the following:

Where the distribution point is in La-Porte County, Indiana, the amount to be added as a zone differential for delivery of any beef or beef product, except fabricated cuts of beef, is $1.20 per cwt. and not the amount as calculated in this paragraph. For fabricated beef cuts the amount is $1.50 per cwt. and not the amount as calculated above.

Where the distribution point is St. Joseph County, Indiana, the amount to be added as a zone differential for delivery of any beef or beef product, except fabricated cuts of beef, is $1.30 per cwt. and not the amount as calculated in this paragraph. For fabricated beef cuts the amount to be added is $1.70 per cwt. and not the amount as calculated above.

11. Section 42 (b) (1) (iii) is deleted and the following substituted therefor:

(iii) After December 1, 1951, neither you nor any person affiliated with you, sells any beef carcasses or wholesale cuts to any slaughterer, packer, packer's branch house, or any person affiliated therewith.

12. Section 44 is amended by deleting the section and substituting the following:

SEC. 44. *Addition 5. Wrapping.* (a) For completely wrapping any beef carcass or wholesale cut in krinkle kraft paper or in a stockinette you may add to the prices specified in Schedule I the cost of such wrapping, but in no event more than 15 cents per cwt.

(b) For completely wrapping any beef carcass or wholesale cut in krinkle kraft paper and in a stockinette, you may add to the prices specified in Schedule I an amount equal to the cost of such wrapping, but in no event in excess of 35 cents per cwt.

(c) For completely wrapping any beef carcass or wholesale cut in krinkle kraft paper and two stockinettes, you may add to the prices specified in Schedule I an amount equal to the cost of such wrapping, but in no event in excess of 50 cents per cwt.

(d) For completely wrapping any beef carcass or wholesale cut in a banana bag and a stockinette or peach paper and a stockinette, you may add to the prices specified in Schedule I an amount equal to the cost of such wrapping, but in no event in excess of 25 cents per cwt.

If, however, you take this wrapping addition, you may not take the addition permitted under section 45.

13. Section 46 is amended by deleting the section and substituting the following:

SEC. 46. *Addition 7. Peddler truck selling addition.* (a) On a peddler truck sale to a buyer's store door or place designated by the buyer for delivery, you may add $2.50 per cwt. to the prices specified in Schedules I and III, and to the prices specified in Schedule VII other than the prices specified in the last column of that schedule.

(b) If you purchase any beef product from a wholesaler who has taken the appropriate wholesaler's addition specified in section 42, you may add (in addition to the $2.50 per cwt. specified in paragraph (a) of this section), to the prices specified in Schedule I and III, and to the prices specified in Schedule VII, other than the prices specified in the last column of that schedule, the exact sum of the wholesaler's addition paid by you but not in excess of $1.00 per cwt.

(c) You may not add the addition in paragraph (a) or (b) of this section unless you make a peddler truck sale as defined in section 50 (m), and unless you have filed with the appropriate Regional Office of the Office of Price Stabilization a signed statement containing the following:

(1) Your name.

(2) Your business address.

(3) The date you began doing business as a peddler truck operator.

(4) The type or types of customers to whom you regularly and customarily sell your product.

14. Section 48 is amended by deleting the section and substituting the following:

SEC. 48. *Addition 9. Beef from cattle slaughtered in Zone 4 (a).* (a) On sales to retailers, purveyors of meals or any defense procurement agency of the following non-kosher cuts, obtained from prime, choice, good or commercial grade beef slaughtered in Zone 4 (a), you may add to the prices specified in Schedule I the following amounts:

Item:	*Amount (per cwt.)*
Forequarter	$1.00
Triangle or any cut derived from the triangle	1.20

(b) On sales to retailers or purveyors of meals of the following kosher cuts, obtained from prime, choice, good, or commercial grade beef slaughtered in Zone 4 (a), you may add to the prices specified in Schedule I, in addition to the amount authorized in section 47, the following amounts:

Item:	*Amount (per cwt.)*
Forequarter	$1.50
Triangle or any cut derived from the triangle	1.80

15. Article IV is amended by adding a new Section 49A to read as follows:

SEC. 49 A. *Addition 10. Intermediate Distributor's Addition.* (a) If you are an intermediate distributor, as defined in section 50 (w) you may add $1.00 per cwt. to the prices specified in Schedules I and III, and to the prices specified in Schedule VII other than the prices specified in the last column of that schedule.

(b) You may not add this intermediate distributor's addition unless you have filed with the appropriate Regional Office of the Office of Price Stabilization a signed statement containing the following:

(1) Your name.

(2) The address of your business.

(3) The date you began doing business as an intermediate distributor.

(4) The type or types of customers to whom you regularly and customarily sell your product.

(5) The reason you do not qualify as a wholesaler or peddler truck seller under this regulation.

(6) Whether or not you sell meat out of stock carried in trucks owned or operated by you. If you sell meat in this manner, you should state the number of trucks you own or operate.

(c) You may not, during the month of December 1951, take the addition on a greater volume by weight of beef than you bought and resold for your own account during the same month in 1950. Moreover, you may not during any calendar quarter, beginning on or after January 1, 1952, take the addition on a greater volume by weight of beef than you bought and resold for your own account during the last calendar quarter in 1950.

You shall file with your OPS Regional Office, on or before December 31, 1951, a statement showing the volume by weight of beef you bought and resold for your own account during the month of December 1950 and during the last calendar quarter of 1950.

If you add the intermediate distributor's addition you should file with your OPS Regional Office:

(1) On or before January 15, 1952, a statement showing, for the month of December 1951, the total volume by weight of beef on which you charged the intermediate distributor's addition; and

(2) On or before April 15, 1952, and on or before the 15th day following the end of each calendar quarter thereafter, a statement showing, for the calendar quarter ended prior to the reporting date, the total volume by weight of beef on which you charged the intermediate distributor's addition.

16. Article IV is amended by adding a new section 49B to read as follows:

SEC. 49B. *Addition 11—Affiliated Boner's Addition.* (a) If you are a boner, who is a slaughterer or who is affiliated with a slaughterer, and you have purchased carcass beef from an unaffiliated source, you may add the wholesaler's addition in section 42 to the prices in Schedule III and you may add $1.50 per cwt. to the prices listed in Schedules IV, V, and VI for the boneless beef derived from the cattle purchased from unaffiliated sources, provided:

(1) The beef purchased from an unaffiliated source clearly bears an abattoir stamp or registration number identifying the unaffiliated source from which the beef was purchased;

(2) You do not, during the month of December 1951, take the addition on a greater volume by weight of boneless beef than 70 percent of the total volume by weight of carcass beef purchased from unaffiliated sources during the same month in 1950. Moreover, you do not, during any calendar quarter beginning on or after January 1, 1952, take the addition on a greater volume by weight of boneless beef than 70 percent of the total volume by weight of carcass beef purchased from unaffiliated sources during the last calendar quarter of 1950;

(3) You file with your Regional Office, on or before December 31, 1951, a statement showing the volume by weight of each grade of carcass beef obtained by you from unaffiliated sources during the month of December 1950 and during the last calendar quarter of 1950;

(4) You file with your Regional Office, on or before January 15, 1952, a statement showing, for the month of December 1951, the total volume by weight of beef on which you charged the non-slaughterer's addition;

(5) You file with your Regional Office, on or before April 15, 1952, and on or before the 15th day following the end of each calendar quarter thereafter, a statement showing for the calendar quarter ending prior to the reporting date:

(i) The total volume by weight of each grade of carcass beef purchased by you from unaffiliated sources, and

(ii) The total volume by weight of each grade of boneless beef sold on which the wholesaler's addition or the $1.50 per cwt. non-slaughterer's addition was charged.

(b) If the Director of Price Stabilization finds that you have taken these additions on boneless beef derived from carcasses which were not obtained from unaffiliated sources, or that you have taken these additions on a greater volume of boneless beef than permitted under paragraph (a) (2) of this section, he may prohibit you thereafter from taking these additions.

17. Section 50 is amended as follows:

a. Section 50 (a) is amended by adding the following:

Where, however, a seller is not otherwise affiliated as defined in this section, he shall not be deemed to be affiliated solely by reason of the fact that he is obligted on an open account for an amount in excess of 5 percent of his monthly sales.

b. Section 50 (g) is deleted and the following substituted:

(g) *Combination distributor* means any establishment (1) which is not affiliated with a packing or slaughtering plant, packer's branch house, wholesaler's or other non-retail meat selling establishment; and which does not sell to ultimate consumers more than 50 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies; or

(2) Which is affiliated with a packing or slaughtering plant, packer's branch house, wholesaler's or other non-retail meat selling establishment to which it is not physically attached; and which does not sell to ultimate consumers more than 50 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

c. Section 50 (h) is amended by deleting the words "The Maritime Administration of the Department of Commerce." Section 50 (h) shall therefore read as follows:

(h) *Defense procurement agency* means the Department of Defense (including the Department of the Army, the Department of the Navy, and the Department of the Air Force), the Marine Corps, the United States Coast Guard, the Department of Agriculture, the Veterans' Administration or any agency of the foregoing.

d. Section 50 (n) is amended by deleting paragraph (4) and substituting the following:

(4) Any person operating an ocean-going vessel or Great Lakes vessel, engaged in the transportation of cargo or passengers in foreign, coastwise, intercoastal trade, or trade upon interior waterways or the Great Lakes, including ships operated under the jurisdiction of the Maritime Administration, if meat is delivered for consumption aboard such vessel.

e. Section 50 (q) is deleted and the following substituted:

(q) *Ship supplier* means any person who sells beef or beef products to a ship operator. A person is a ship supplier only with respect to sales of beef or beef products to ship operators.

f. Section 50 (r) is deleted and the following substituted:

(r) *Slaughterer* means a person who owns or is affiliated with a slaughtering plant or facilities or who has cattle slaughtered for him.

g. Section 50 (s) and section 50 (t) are deleted and the following substituted:

(s) *Slaughtering facilities* means any equipment used for the commercial killing of cattle.

(t) *Slaughtering plant* means any place used for the commercial killing of cattle.

h. A new paragraph (w) is added to read as follows:

(w) *Intermediate distributor* means a person (other than a hotel supply house, combination distributor or peddler truck seller) who meets all of the requirements of the definition of "wholesaler" set forth in section 50 (u), except that he does not operate or maintain a separate selling establishment equipped with the storage facilities as required by that definition.

18. A new section 51 is added to read as follows:

SEC. 51. *Inventory stock of Spencer rolls and regular rolls.* Until December 31, 1951, you may sell at the ceiling prices in effect prior to September 19, 1951, any Spencer roll of commercial grade of beef, or any regular roll of commercial grade of beef, which you prepared or purchased prior to September 19, 1951. For the purpose of this section, regular roll and Spencer roll mean such boneless cuts as defined in Appendix 3 (a) (5) and (24), respectively.

19. Appendix 2 (a) is amended by adding a new paragraph (17) to read as follows:

(17) *Hip Round* means that portion of the hindquarter remaining after severance of the short loin, hanging tender, kidney knob, and excess loin (lumbar) and pelvic (sacral) fat from the inside of the loin, and comprising the round, flank and sirloin in one piece.

First, part of the kidney knob, all of the kidney, and the fat lying closely around the kidney in the open (left) and closed (right) sides shall be removed, first by a cut starting at the rear end of the kidney and slanting directly to the front edge of the half of the 12th thoracic vertebra at the point of severance of the hindquarter and forequarter.

Second, the hanging tender, which means the cylindrical shaped piece of lean meat attached at one end under the kidney knob in the open (left) side of the hindquarter, shall be removed from the open side of the loin by being severed at a point opposite the juncture of the 1st and 2nd lumbar vertebrae.

Third, the flank shall be separated from the short loin by starting from a point on the 13th rib, determined by measuring off 10 inches in a straight line from the center of the protruding edge of the 13th thoracic vertebra and continuing in a straight line toward the ventral part where the round is normally severed from the hindquarter.

Fourth, the short loin shall be removed by cutting perpendicular to the contour of the outside or skin surface of the loin begun at a point which is the juncture on the chine bone of the 5th and 6th lumbar vertebrae and continuing in a straight line perpendicular to the contour of the outside of skin surface of the loin to and through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the short loin. The backbone of the short loin shall include five (5) lumbar vertebrae, one and one-half (1½) thoracic vertebrae, and part of the 13th rib.

20. Appendix 3 (a) is amended as follows:

a. A new paragraph (24) is added to read as follows:

(24) *Spencer roll.* Spencer roll means the part of the regular 7-rib cut remaining after the short ribs, all bones, and the blade bone with the meat attached have been removed. The short ribs shall be cut off as described in Appendix 4 (a) (19), the intercostal meat shall not be included, and no further trimming is required.

b. A new paragraph (25) is added to read as follows:

(25) *Plate or Brisket Trimmings.* Plate or brisket trimmings means any pieces of meat, derived from any grade of plate or brisket, which does not include more than 50 percent trimmable fat. These trimmings are to be free from bones, splinters, gristle, blood clots and bruises.

21. Appendix 4 (a) is amended as follows:

a. Item (20) is deleted and the following substituted:

(20) *Short ribs.* Short ribs means that portion of the rib cut off in fabricating oven prepared ribs, as described in Appendix 4 (a) (19) and shall include the rib sections of seven ribs. Short ribs also means the strip pieces out from the short plate up to but not beyond the point where the ribs join the costal cartilages (rib cartilages).

b. Item (25) is amended by deleting from the first sentence therein the phrase "of prime, choice, good or commerical grade of beef" and substituting therefor the phrase "of any grade of beef". Item (25) shall therefore read as follows:

(25) *Cube steak.* Cube steak means any lean muscle meat (not containing an outer surface of fat in excess of one-quarter of an inch) derived from the boneless sirloin or boneless round of any grade of beef, cut into steaks of uniform size, tenderized in accordance with normal business practice. Cube steaks can be made either by hand or by machine.

c. The following new paragraph (39) is added:

(39) *Trimmed short ribs.* Trimmed short ribs means the portion of the rib cut off in fabricating oven prepared ribs, as described in Appendix 4 (a) (19), and shall include the rib sections of the 6th, 7th, 8th, and 9th ribs.

(SEC. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective December 11, 1951.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 6, 1951.

[F. R. Doc. 51-14616; Filed, Dec. 6, 1951; 4:00 p. m.]

[Ceiling Price Regulation 103]

CPR 103—CEILING PRICES FOR AUTOMOBILES SOLD IN THE TERRITORY OF HAWAII

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 103 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for sale of automobiles in the Territory of Hawaii. Article II of this regulation, which is being issued at this time, establishes ceiling prices for the sale of new automobiles.

Retail prices of new passenger cars in Hawaii have customarily been determined by adding to the direct cost a percentage markup, which is the same as the percentage markup taken by a continental dealer over his factory cost, plus local terminal charges and taxes. This method of pricing new passenger automobiles was recognized by the Office of Price Administration during World War II in the development and issuance of Section 72 of RMPR 373, which established maximum prices for sales of new automobiles.

Following the outbreak of the war in Korea, some of the retail dealers of new automobiles departed from their normal practices in arriving at delivered prices of new automobiles. Some dealers proceeded to take a markup on certain items of cost which had previously not been included in the direct cost, some increased the charge for services supplied preparing the automobile for delivery, and others resorted to other practices in the sale of new cars which resulted in an unwarranted increase in the selling price of the car. As a result, at the time of the issuance of Ceiling Price Regulation 9, dealer's margins were in some cases extended, and the ceiling prices determined under the regulation have failed to reflect the substantial uniformity of pricing in Hawaii that customarily existed.

As is the case with Ceiling Price Regulation 83, Article II of this regulation spells out the customary method of pricing new passenger automobiles for sellers of new cars, as well as the various trade practices customarily abided by in this field of business. It is designed to establish ceiling prices for the sale of new automobiles, taking full account of the customary method used by Hawaiian automobile dealers in arriving at selling prices. The itemization of the practices to be observed in connection with sales follows closely the spelling out of the practices and definitions in Supplementary Regulation 5 to the General Ceiling Price Regulation.

Only such record-keeping and reporting provisions are included in the regulation as have been deemed necessary to effectuate compliance by sellers and to assure protection for buyers of new automobiles.

The prices established by this regulation will allow sellers to receive the customary percentage margins they received in the period May 24 to June 24, 1950.

In formulating this regulation the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

ARTICLE II—NEW PASSENGER AUTOMOBILES

AUTHORITY: Sections 1.1 to 2.9 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1.1. *What this regulation does.* This regulation establishes ceiling prices for sales at retail and wholesale in the Territory of Hawaii of such automobiles as are covered by subsequent articles of this regulation. This regulation supersedes Ceiling Price Regulation 9 with respect to all sales covered by this regulation.

SEC. 1.2. *Ceiling prices for sales by private owners.* The ceiling price for the sale of an included automobile by a private owner is the same as the highest retail ceiling price established by this regulation for the same make and model at the time of sale.

SEC. 1.3 *Ceiling prices for sales between dealers.* If you are a dealer, and purchase an included automobile from

another dealer, your ceiling price for the sale of that automobile is the same as the ceiling price of the dealer from whom you purchased the automobile.

SEC. 1.4 *Wholesale ceiling prices.* Your ceiling price for the sale at wholesale of an included automobile is your retail ceiling price less the percentage discount you allowed purchasers of the same class during the period May 24–June 24, 1950.

SEC. 1.5 *Sellers unable to determine ceiling prices under this regulation.* If you are unable to determine the ceiling price of an included automobile under this regulation you must file with the Territorial Office of the Office of Price Stabilization, Honolulu, Hawaii, a written request for approval of a ceiling price. This application must contain the following information:

(a) Your business name and address.

(b) The make, body style, and line or series of the car for which you wish to establish your ceiling price.

(c) The direct cost, listing separately each item, which under this regulation is included in direct cost.

(d) Proposed delivery charges.

(e) Taxes and special charges.

(f) Your proposed ceiling price.

You may not sell an automobile for which you have requested approval of a price under this section until notified, in writing, by the Director of Price Stabilization, or his delegatee, of the approval or modification of your proposed ceiling price.

SEC. 1.6 *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise ceiling prices determined under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 1.7 *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 1.8 *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at:

(a) The ceiling price in effect at the time of delivery, or

(b) The lower of a fixed price or the ceiling price in effect at the time of delivery.

You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 1.9 *Current records.* You shall keep and make available for inspection by the Office of Price Stabilization for a period of two years complete and accurate records showing:

(a) The make and model of each automobile offered for sale, with serial and motor numbers.

(b) A retail list price f. o. b. factory of all included new automobiles offered for sale by you.

(c) The net cost, f. o. b. factory, of all included new automobiles offered for sale by you.

(d) All other charges included in the computation of the direct cost.

(e) Charge for Federal excise taxes.

(f) Charge for Territorial taxes.

(g) Charge for preparing and conditioning new automobiles for delivery as defined in section 2.3 of this regulation.

(h) A list of extra, special, and optional equipment supplied by the seller and the retail selling prices for each.

(i) Delivered price.

(j) On sales at wholesale the ceiling price to retailers and the discount allowed.

SEC. 1.10 *Interpretations.* If you have any doubt as to the meaning of this regulation, you should write to the Territorial Counsel of the Territorial Office of the Office of Price Stabilization, Honolulu, Hawaii, for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1.

SEC. 1.11 *Prohibitions.* You shall not do any act prohibited, or omit to do any act required, by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you, at a price higher than the ceiling price established by this regulation, and you shall keep, make and preserve true and accurate records and reports required by this regulation. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 1.12 *Evasions.* (a) Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

(b) The following are specifically, but not exclusively, among the means and devices prohibited by paragraph (a) of this section and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be made in this industry under the general evasions provisions:

(1) Charging, paying, or receiving a finder's fee or other compensation in connection with the procurement of an included automobile where the finder's fee or other compensation plus the purchase price for the automobile exceeds the permitted ceiling price.

(2) Requiring the purchaser, as a condition of the sale or transfer of an included automobile, to make payments over a period of time.

(3) Requiring the purchaser to finance the purchase through any particular lending agency.

(4) Requiring the purchaser to purchase any equipment, accessories, repairs, parts, or services so as to increase the total cost above the ceiling price of the included automobile.

(5) Requiring the purchaser to purchase any other commodity or service.

(6) Requiring the purchaser to make payment in whole or in part by exchanging, transferring, or trading in any other vehicle, product, or commodity. Where there is an exchange, transfer or trade-in in connection with a sale, it is a violation for the seller to give the purchaser an allowance for the vehicle, product, or commodity exchanged, transferred, or traded-in, which is less than its reasonable value. (The reasonable value of a used automobile to the dealer must bear a reasonable relationship to the ceiling price of the used automobile.)

(7) Providing for the purchase of the included automobile by a lessee under a rental contract at an agreed valuation which together with the amount paid for the rental is higher than the applicable ceiling price at the time the rental contract is entered into.

(8) Making the terms and conditions of sale more onerous to purchasers than they customarily have been, except to the extent allowed by this section.

SEC. 1.13 *Definitions.* When used in this regulation the following terms have the following meanings:

(a) "Sale at retail" means a sale by any class of seller to a consumer.

(b) "You". The pronoun "you" as used in this regulation means the person covered by the regulation.

(c) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor, or representative of any of the foregoing, and includes the United States or any other government or any of their political subdivisions or any agent of any of the foregoing.

(d) "Included automobile" means an automobile the ceiling price of which is determined under this regulation.

(e) "Make" of automobile refers to the trade name of the automobile. Thus, Ford, Dodge, Pontiac, etc.

(f) "Model" refers to the production year as designated by the manufacturer, and does not necessarily mean the actual calendar year in which the automobile was produced.

(g) "Line or series" means a subgroup of a make bearing a title, trade name, or other classificatory designation.

ARTICLE II—NEW PASSENGER AUTOMOBILES

SEC. 2.1 *Retail ceiling prices.* (a) Your ceiling price for the sale at retail of any make, body style, model, and line or series of new passenger automobile manufactured in the United States of America is the sum of the following:

(1) Your direct cost as determined under section 2.2.

(2) Your direct cost as determined under section 2.2 multiplied by a percentage markup which is calculated by subtracting your net cost f. o. b. factory from the established list price f. o. b. factory and dividing the result by your net cost f. o. b. factory.

(3) Delivery charges, as permitted under section 2.3.

(4) Taxes and special charges as outlined in section 2.4.

(5) Extra, special, and optional equipment charges as limited by section 2.5.

(b) Your ceiling price is to be computed on the basis of the last car of each make, body style, model, and line or series of new passenger automobile which you offered for sale before the date this regulation was issued. After the effective date of this regulation, this ceiling price is your ceiling price for all subsequent sales of the same make, body style, model, and line or series of new passenger automobile.

SEC. 2.2 *Direct cost.* Your direct cost is the sum of the following amounts, but includes only the amounts actually incurred by you:

(a) Net cost to you, f. o. b. factory, of new automobiles with standard equipment (defined in section 2.9) not including Federal Excise Tax;

(b) Overseas packing expenses actually incurred by you.

(c) An amount equal to the overland freight charge by the most direct route from delivery point to port of shipment, f. a. s. You may also include an amount equal to the overland freight charge by the most direct route from factory to point of delivery if delivery was other than at the factory.

(d) Marine and war risk insurance.

(e) Landing, wharfage, and territorial dock charges.

(f) Ocean freight.

SEC. 2.3 *Delivery charges.* Delivery charges is the sum of the following amounts if actually incurred by you, but may not exceed $80.00:

(a) Transportation from dock to your warehouse, or salesfloor.

(b) Customary mechanical and body preparation and conditioning for delivery.

(c) Customary amount of gas and oil put into the automobile.

SEC. 2.4 *Taxes and special charges.* The charges which you may include under this heading are as follows:

(a) Federal Excise Tax.

(b) Territorial Taxes.

(c) Factory charge for handling, delivery, and advertising, if you passed through such charges on December 1, 1950.

(d) On inter-island trans-shipments, an amount equal to the amount actually incurred or which will be actually incurred by you for inter-island freight or insurance, territorial tolls and wharfage, landing and terminal operations.

SEC. 2.5. *Extra, special, and optional equipment.* You may not make a charge for extra, special, or optional equipment unless the request for such equipment is made to you by the customer in writing. A request in writing may be the order form customarily used by you and signed by the customer. The amount you may include under this heading is the actual selling price of the equipment installed, not to exceed the ceiling prices for the equipment and for its installation.

SEC. 2.6 *Adjustments.* (a) If your direct cost increases after the effective date of this regulation, you may file with the Territorial Office of the Office of Price Stabilization an application for adjustment of your ceiling prices. The application must contain:

(1) Your business name and address.

(2) Your present ceiling price.

(3) Any changes in your report of costs filed under section 2.7 (a).

(4) Your proposed ceiling price.

(b) You may not make a sale at your proposed ceiling price until notified by the Director of Price Stabilization or his delegatee of the approval of your proposed ceiling price. However, if, within ten days from the date of filing your application with the OPS Territorial Office, you have not been notified that your proposed ceiling price has been disapproved, you may consider your proposed ceiling price approved.

SEC. 2.7 *Filing and posting*—(a) *Filing provisions.* After the effective date of this regulation, you may not sell any new included automobile of a particular make, body style, model, line or series until you have filed with the OPS Territorial Office the following information for that particular make, body style, model, line or series of new automobile.

(1) Business name and address.

(2) Make, body style, model, line or series of new car or cars you desire to sell.

(3) Direct cost used in determining your ceiling price under this regulation, listing separately the items set forth in section 2.2 (a), (b), (c), (d), (e), and (f).

(4) Established list price f. o. b. factory for sales at retail.

(5) Total delivery charges.

(6) Total taxes and special charges.

(7) Ceiling price for each make, body style, model, line or series.

(b) *Posting.* Within twenty days after the effective date of this regulation, every retail dealer shall keep posted in a conspicuous place on his premises where new passenger automobiles are offered for sale a notice not less than 18 by 24 inches in size, legibly stating for each make and body style in each line or series of each new automobile offered for sale the following information:

(1) An identification of the make, body style, model, line or series.

(2) The ceiling price.

(3) The ceiling prices for extra, special, or optional equipment.

(c) *Invoices.* Whenever you make any sale after the effective date of this regulation, you shall prepare an invoice in duplicate, one copy of which shall be given to the purchaser within seven days and the other copy you shall retain in your records. This invoice shall set forth the following information:

(1) Date of sale.

(2) Make of automobile, model, year, body style, motor number, and serial number.

(3) Charges for extra, special, and optional equipment.

(4) Finance charges, name of finance company, method of payment, and amount of cash received.

(5) If a used car is traded in as part payment for the new automobile, the invoice must show the following information with respect to the car traded in:

(i) Make of automobile traded in, model and body style, and optional equipment thereon.

(ii) Allowance made on the trade in.

(iii) Motor number and serial number.

(6) The ceiling price.

(7) The selling price.

SEC. 2.8 *Automobiles lacking standard equipment.* Ceiling prices established by this Article of the regulation are for new automobiles with standard parts and equipment. If you deliver an automobile from which any standard part or equipment is missing, your ceiling price is the price which would be the ceiling price for the same automobile if such parts were not missing, minus the retail list price of such parts.

SEC. 2.9 *Definitions.* When used in this regulation, the following terms have the following meanings:

(a) "New passenger automobile" or "new automobile" means any automobile, designed primarily for the carriage of passengers, produced by the manufacturer during the current model year, having a seating capacity of less than eleven (11) persons, which:

(1) Has not been used.

(2) Is a demonstrator.

(3) Or is a dealer-owned or dealer-executive car, if the same model is being, or within the preceding four months has been, sold by the manufacturer.

(b) "Manufacturer" means any person who manufactures new automobiles.

(c) "Standard equipment". This term refers to any equipment which the manufacturer classed as standard on the date of the issuance of this regulation.

(d) "Extra, special, or optional equipment". This term refers to any equipment not included within the definition of standard equipment in paragraph (c) of this section.

Effective date. This Ceiling Price Regulation 103 is effective December 11, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 6, 1951.

[F. R. Doc. 51-14614; Filed, Dec. 6, 1951; 10:34 a. m.]

[General Overriding Regulation 14, Amdt. 4]

GOR 14—ADDITIONAL EXCEPTED SERVICES

THEATER TICKET BROKERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.),

as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from ceiling price regulation the charges made by governmentally licensed theater ticket brokers for theater ticket services to the extent that the maximum charges for such services are established under statute or ordinance. The primary service performed by these ticket brokers is the sale of tickets for admission to theatrical performances. The charges for such admission by theater enterprises, themselves, are exempt from ceiling price regulation under the provisions of section 402 (e) (iii) of the Defense Production Act of 1950, as amended. This limited exemption to theater ticket brokers is, therefore, consistent with the statutory exemption for theater enterprises. In addition, since the exemption applies only to the extent the maximum fees are controlled under state or local law, this exemption is appropriate for reasons stated in the Statement of Considerations which accompanied the original issuance of General Overriding Regulation 14.

This amendment to General Overriding Regulation 14, as amended, was prepared after consultation with industry representatives, and due consideration was given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respect:

Paragraph (a) of section 3 is amended by adding at the end thereof the following:

(94) Theater ticket brokerage services rendered by theater ticket brokers licensed by governmental authority to the extent that the maximum charges for such services are established under a statute or a municipal ordinance.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154.)

Effective date. This amendment 4 to General Overriding Regulation 14 shall be effective December 6, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 6, 1951.

[F. R. Doc. 51-14612; Filed, Dec. 6, 1951; 10:34 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Amdt. 1 to Appendix]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

AMENDMENTS TO APPENDIX

On November 20, 1951, there was published in the FEDERAL REGISTER (16 F. R. 11731) credit regulation CR 3 with an appendix (16 F. R. 11736), which listed and described critical defense housing areas designated under CR 3, and the dates such areas were so designated. This list contained, in addition to 81 numbered areas, five unnumbered areas designated by this Agency prior to the enactment of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong.) but not designated as critical defense housing areas for the purposes of that act. Four of these areas have since been so designated (16 F. R. 11788, November 21, 1951). This amendment therefore includes a provision assigning numbers (namely numbers 84, 85, 86, and 87) to those areas.

Under the provisions of said regulation CR 3 (see section 3 thereof) additional critical defense housing areas will be designated by this Agency from time to time, for the purposes of this regulation where such areas have been determined by proper authority to be critical defense housing areas within the meaning of the Defense Housing and Community Facilities and Services Act of 1951 or the Housing and Rent Act of 1947, as amended. As such additional critical defense housing areas are designated, the appendix to CR 3 published at 16 F. R. 11736, November 20, 1951, will be amended to include such additional areas. The amendments will be numbered consecutively for each succeeding publication. As circumstances warrant, there may be publication of a revised appendix to CR 3 to include all areas contained in such appendix from time to time. Amendment number 1 of the appendix to CR 3 appears below.

The appendix to CR 3 published November 20, 1951, is hereby amended as follows:

1. Insert, immediately preceding each of the following designated areas in said appendix, the following respective numbers:

a. "84." preceding Tullahoma, Tennessee.

b. "85." preceding San Marcos, Texas.

c. "86." preceding Othello, Washington.

d. "87." preceding Corona, California.

2. Delete the footnote numeral "[2]" appended to each of the above-mentioned areas and amend the footnote numbered 2 appearing at the end of said appendix to read:

[2] This critical defense housing area (Dana, Ind.) was designated prior to the enactment of the Defense Housing and Community Facilities and Services Act of 1951 (P. L. 139, 82d Cong.), and has not been designated as a critical defense housing area for the purposes of that Act. Credit relaxations under the provisions of regulation CR 3 are, however, applicable in this area.

3. The geographical description of area numbered 61, and designated as Marysville-Yuba, California, is amended to read as follows:

61. Yuba County; the township of Yuba and the town of Yuba city in Sutter County; and the townships of Grass Valley and Nevada, and the cities of Grass Valley and Nevada City in Nevada County.

4. The geographical description of the area numbered 84, and designated as Tullahoma, Tennessee, is amended to read as follows:

84. Bedford, Coffee, Franklin, and Moore Counties.

5. The geographical description of the area numbered 78, and designated as Pensacola, Florida, is amended to read as follows:

78. Escambia and Santa Rosa Counties.

5. The appendix to CR 3 is further amended by adding to the list of designated critical defense housing areas published in the appendix to CR 3 on November 20, 1951 (16 F. R. 11736), the following additional critical defense housing areas:

CRITICAL DEFENSE HOUSING AREAS

Area, Including Geographical Description and Date Designated

82. New London, Conn. (the towns of East Lyme, Groton, Lyme, Ledyard, Montville, New London, North Stonington, Old Lyme, Salem, Stonington, and Waterford in New London County), December 7, 1951.

83. Whidbey Island, Wash. (Island County; and the election precincts of Conway, Dewey, Fidalgo, Fir, Harmony, Milltown, Mount Vernon 1 through 9 inclusive, North Avon, North La Conner, South Avon, South La Conner, Swinomish, and Whitney, and the city of Anacortes, in Skagit County), December 7, 1951.

88. Camp McCoy, Wis. (Monroe County), December 7, 1951.

89. Pine Bluff, Ark. (Jefferson County), December 7, 1951.

90. Bridgeport, Conn. (the towns of Bridgeport, Easton, Fairfield, Monroe, Stratford and Trumbull in Fairfield County; and the town of Milford in New Haven County), December 7, 1951.

91. Chincoteague, Va. (Accomac County, Virginia; and election districts 1 and 8 in Worcester County, Maryland), December 7, 1951.

92. Dover-Danville, N. J. (Morris County), December 7, 1951.

93. Clovis-Portales, N. Mex. (Curry County; and election precincts 1, 3, 7, and 13 in Roosevelt County), December 7, 1951.

94. Monterey-Fort Ord, Calif. (the townships of Alisal, Castorville, Gonzales, Monterey, Pacific Grove and Pajaro, including the cities of Carmel, Monterey, Pacific Grove and Salinas, in Monterey County; and the township and city of Watsonville in Santa Cruz County; and the townships of Hollister and San Juan, including the cities of Hollister and San Juan, in San Benito County), December 7, 1951.

95. Hondo, Tex. (Medina County), December 7, 1951.

96. La Porte, Ind. (La Porte and Starke Counties), December 7, 1951.

97. Bainbridge, Ga. (Decatur County), December 7, 1951.

98. Carlsbad-Artesia, N. Mex. (Eddy County), December 7, 1951.

99. Oxnard-Port Hueneme, Calif. (Ventura County), December 7, 1951.

100. Pleasanton-Livermore-Haywood, Calif. (the townships of Eden, Murray and Pleasanton, including the cities of Haywood, Livermore, Pleasanton and San Leandro, all in Alameda County), December 7, 1951.

101. Pittsburg, Camp Stoneman, Calif. (townships 5, 6, 8, 9, 13, 16, and 17, including the cities of Antioch, Concord, and Pittsburg, all in Contra Costa County), December 7, 1951.

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-14571; Filed, Dec. 6, 1951; 8:57 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

REVIEW OF DEATH COMPENSATION AND PENSION CLAIMS TO DETERMINE PRESUMPTIVE SERVICE-CONNECTION FOR MULTIPLE SCLEROSIS

A new § 4.456 is added as follows:

§ 4.456 *Review of death compensation and pension claims to determine presumptive service-connection for multiple sclerosis.* Where entitlement arises solely by virtue of the provisions of Public Law 174, 82d Congress, the effective date of awards will be the day following the date of the veteran's death or October 12, 1951, whichever is the later, if claim was filed within 1 year after the date of the veteran's death, otherwise the date of filing claim: *Provided however,* That as to claims reviewed under this section either on motion of the Veterans' Administration or upon receipt of a request from the claimant or his representative, the effective date of the award will be October 12, 1951, provided the claim is received within 1 year from the date of notification of entitlement to benefits under this act. A claim pending on October 12, 1951, or in which an appeal was pending on that date, will be considered a claim under this act. This includes claims which were disallowed on or after October 12, 1951, without reference to the liberalizing provisions of this act. In those cases in which death pension is being paid to a widow, child or children, the provisions of § 4.52 are not controlling. The change from the payment of death pension to the payment of death compensation will be effective October 12, 1951. (Instruction 2, Public Law 174, 82d Congress)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective December 7, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-14507; Filed, Dec. 6, 1951; 8:47 a. m.]

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

1. In § 36.4301, paragraph (a) is amended to read as follows:

§ 36.4301 *Definitions.* * * *

(a) "Act" means Public Law 346, 78th Congress (58 Stat. 284), cited as the "Servicemen's Readjustment Act of 1944," as amended by Public Law 268, 79th Congress (59 Stat. 626), Public Law 864, 80th Congress, Chapter 784, 2d Session (62 Stat. 1206), Public Law 475, 81st Congress, Chapter 94, 2d Session (38 U. S. C. and Sup. 694, et seq.), Public Law 139, 82d Congress, Chapter 378, 1st Session (65 Stat. 293), and Public Law 142, 82d Congress, Chapter 381, 2d Session (65 Stat. 320).

* * * * *

2. In § 36.4302, paragraphs (c) and (j) are amended to read as follows:

§ 36.4302 *Computation of guaranties or insurance credits.* * * *

(c) The following formula shall govern the ascertainment of the amount of the guaranty or insurance entitlement which remains available to an eligible veteran after prior use of entitlement: Add to the amount of such entitlement previously used for realty, twice the amount previously used for non-realty purposes. Subtract this sum from $4,000. The sum remaining is the amount available for the guaranty or insurance of a real estate loan other than a section 501 (b) loan, and one-half of such sum is so available for a non-real estate loan. For the purpose of ascertaining the amount of guaranty or insurance entitlement which remains available for a section 501 (b) loan after prior use of entitlement, add to the amount of such entitlement previously used for realty, twice the amount previously used for non-realty purposes. Subtract this sum from $7,500. Subject to the provisions of paragraph (j) of this section, the sum remaining is the amount of entitlement available for section 501 (b) purposes.

* * * * *

(j) A loan for the purchase or construction of residential property to be occupied by the veteran as his home may be guaranteed under section 501 (b) of the act, if otherwise eligible: *Provided,* That at the time the loan is reported to the Administrator pursuant to § 36.4303 the veteran shall not, after April 20, 1950, have used any portion of his entitlement in connection with a loan for the purchase or construction of residential property, except such as shall have been excluded under paragraph (h) of this section.

3. In § 36.4312, paragraph (a) is amended to read as follows:

§ 36.4312 *Closing costs.* (a) Any costs or expenses incurred in closing a loan or financing a purchase and normally required to be paid by a purchaser or lienor incident to the making of a loan under local lending customs may be included in the amount paid out of the proceeds of a guaranteed or insured loan, except that no brokerage or service charge or their equivalent not expressly approved under schedules set up in advance by the Administrator may be charged against the debtor or the proceeds of the loan either initially, periodically, or otherwise: *Provided,* That no loan for the purchase or construction of a dwelling unit on which the Administrator receives a request for a determination of reasonable value on or after December 15, 1951, shall be guaranteed or insured unless,

(1) The lender certifies to the Administrator that it has not imposed and will not impose any charges or fees against the veteran or the seller in excess of those allowed in such schedules; or

(2) If such request relates to a new dwelling unit which has not been occupied previously and which is to be purchased by a veteran, the lender certifies to the Administrator that in connection with financing the construction or sale of such dwelling unit it has not imposed and will not impose upon the builder or veteran any fees or charges in excess of those allowed in the applicable schedule so approved by the Administrator, and, if the loan to be guaranteed or insured is made by a lender other than that which financed the construction of such unit, the Administrator is furnished a further certification either

(i) By the builder that he has not paid and will not pay any charges or fees in excess of those allowed in applicable schedules, or

(ii) By the lender which made the construction loan that it has not imposed and will not impose charges in relation to such unit which are in excess of those allowed in the said schedules.

No loan for the purchase or construction of a dwelling unit on which the Administrator received a request for a determination of reasonable value on or after July 17, 1950, and prior to December 15, 1951, shall be guaranteed or insured unless certifications are furnished to the Administrator which comply with the provisions of this section as amended July 12, 1950.

* * * * *

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective December 7, 1951.

O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-14508; Filed, Dec. 6, 1951; 8:47 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter IV—Freedman's Hospital, Federal Security Agency

PART 401—ADMISSION AND OUT-PATIENT TREATMENT

REVISION OF PART

Notice of proposed rule-making having been published and consideration having been given to all relevant matter presented, the proposed amendments to the regulations concerning admission and out-patient treatment at Freedmen's Hospital as set forth in and published with said notice of proposed rule-making in 16 F. R. 11081 to 11084, inclusive, are hereby adopted and issued. Said amendments shall become effective on the thirtieth day following publication of this document in the FEDERAL REGISTER: *Provided, however,* That such amendments shall not affect the rates charged to in-patients who will have been admitted prior to such effective date. Such in-patients shall continue to be charged the rates set forth in the presently effective regulations contained in Part 401, Chapter IV of Title 42, until their discharge from the hospital.

The regulations, as adopted, are set forth below.

PART 401—ADMISSION AND OUT-PATIENT TREATMENT

Sec.
401.1 Definitions.

Sec.

AUTHORITY: §§ 401.1 to 401.16 issued under R. S. 2038, as amended, 33 Stat. 1190, as amended, 37 Stat. 172, as amended, 53 Stat. 561, 59 Stat. 366, as amended; 32 D. C. Code 317, 318, 318a, 319, 5 U. S. C. 133t.

§ 401.1 *Definitions.* As used in this chapter, the following terms shall have the meanings indicated:

(a) "Full-pay patients" are those patients who are responsible for paying the rates set forth in § 401.7 for their care as in-patients at the hospital.

(b) "Part-pay patients" are those patients who, after financial investigation, are found to be unable under the criteria specified in § 401.6, to pay the rates established for full-pay patients, but who are nevertheless able to pay the modified rates established in § 401.8 for their care as in-patients at the hospital.

(c) "Indigent patients" are those patients who, after financial investigation, are found to be unable under the criteria specified in § 401.6 to pay any amount for their care as in-patients at the hospital.

(d) "In-patients" are patients who are hospitalized for the purpose of receiving medical care, treatment, or observation.

(e) "Out-patients" are ambulatory patients who receive medical care or treatment not requiring hospitalization.

(f) "Referred patients" are out-patients referred to the hospital by private physicians as their own patients for X-ray, laboratory, or other special services performed on the prescription or at the request of such private physicians.

(g) "Emergency patients" are out-patients who require medical care or treatment as a result of sudden illness or injury where to delay such care or treatment would imperil the life or safety of the patient. Emergency patients who require hospitalization as in-patients shall be considered as full-pay patients, part-pay patients, or indigent patients as the case may be.

(h) "Clinic patients" are out-patients other than referred or emergency patients.

(i) "Patient day" means a period of twenty-four hours beginning at midnight. In the computation of the time for payment the day of admission into the hospital will be counted and the day of discharge therefrom excluded in all cases where the patient is discharged by 2:00 p. m. Those patients leaving after 2:00 p. m. will be charged for the discharge day. Patients admitted and discharged on the same patient day will be charged for one patient day.

§ 401.2 *Eligibility for admission, medical care and treatment.* Subject to the provisions of § 401.6 (b), all persons in need of hospitalization, medical care, or treatment are eligible for admission to the hospital either as in-patients or out-patients as their medical condition may indicate. Each admission shall be conditioned upon the capacity and facilities of the hospital available to receive and treat the patient.

§ 401.3 *Examinations for admission.* Each applicant for admission as an in-patient shall be examined pursuant to the direction of the Superintendent for determination by him or his designee of the eligibility of the applicant for admission under this part.

§ 401.4 *Agreements for payment.* All full-pay and part-pay patients or their responsible representatives will be required to execute an agreement to pay the costs of their hospitalization and other services as specified in this part.

§ 401.5 *Advance payments.* Payments are to be made weekly in advance for in-patient hospitalization, except in those cases where the patient enters the hospital for a definite number of days constituting less than a week. In such cases payment shall be made in advance for the number of days the patient expects to remain in the hospital. However, the hospital may waive the requirements of this section in those cases in which it determines that the patient, his responsible representative, or other individual or organization who undertakes the payment for his hospitalization and care, is financially responsible. In such cases, full settlement shall be made as soon as practicable.

§ 401.6 *Income schedule for determination of rates.* The ability of a patient to pay for his hospitalization and other services shall be determined in accordance with the following income schedule:

Number of persons supported by the family income	Monthly family income	
	Minimum	Maximum
1	$80	$150
2	110	210
3	140	275
4	170	325
5	195	375
6	220	420
7	245	460
8	270	500
9	300	535
10	320	550

(a) *In-patients.* (1) A patient whose "monthly family income" does not exceed the appropriate minimum shall be considered to be an indigent patient and shall not be charged any amount for his hospitalization and other services.

(2) A patient whose "monthly family income" falls between the appropriate minimum and maximum shall be considered to be a part-pay patient and shall be charged for his hospitalization and other services at the rates set forth in § 401.8.

(3) A patient whose "monthly family income" is not less than the maximum shall be considered to be a full-pay patient and shall be charged for his hospitalization and other services at the rates set forth in § 401.7.

(b) *Out-patients.* (1) A patient whose "monthly family income" does not exceed the appropriate minimum shall not be charged for any treatment in the clinics.

(2) A patient whose "monthly family income" is between the appropriate minimum and maximum shall be charged for services in accordance with the provisions of § 401.11.

(3) A patient whose "monthly family income" is above the appropriate maximum shall not be accepted for treatment in the out-patient clinics.

§ 401.7 *In-patients rates; full-pay patients.* Full-pay patients shall pay the following rates:

GENERAL HOSPITAL

1. Schedule of rates for full-pay general hospital cases:

Private rooms, $10.50 a day.
Ward, $8.00 a day.
Children under 13 years of age, $4.00 a day.

2. There shall be the following extra charges for full-pay, general hospital patients:

(a) Drugs and biologicals not regularly stocked on the wards.

(b) X-ray: As provided in § 401.12 (a) and (b).

(c) Laboratory: $15.00 for clinical-pathological laboratory work, with no charge for laboratory work in obstetrics, pulmonary tuberculosis, tonsils and adenoids cases.

(d) Operating room: Major surgery, $25.00; minor surgery, $15.00.

(e) Anesthesia (except local): Major surgery, $20.00; minor surgery, $15.00.

(f) Delivery room: $20.00.

(g) Other special charges:

(1) Physical therapy treatments: $2.00 per treatment.

(2) Casts. As provided in § 401.12 (g).

(3) Ambulance service. Trip within city limits—day or night rate, $5.00 per trip.

(4) Plasma, per 500 cc., $35.00.

(5) Basal metabolism, $10.00.

(6) Circumcision (set-up), $5.00.

(7) Cystoscopic examination, $15.00.

(8) Electro-cardiography, $10.00.

(9) Oxygen therapy, $7.50.

MATERNITY CASES

1. Schedule of rates for full-pay maternity cases:

Ward, $10.00 a day.
Newborn, $3.00 a day.

2. The above rates include routinely prescribed drugs and medications, laboratory, and other special services for maternity cases.

TONSILLECTOMY CASES

1. Schedule of rates for full-pay tonsillectomy cases:

Patients 13 and over. Private room—$51.00 for minimum of 2 days; $10.50 each day thereafter. Ward—$46.00 for minimum of 2 days; $8.00 each day thereafter.

Patients under 13 years. Ward—$38.00 for minimum of 2 days; $4.00 each day thereafter.

2. The above rates include operating room, anesthesia, routinely prescribed drugs and medications, laboratory, and other special services for tonsillectomy cases.

TUBERCULOSIS HOSPITAL

1. Schedule of rates for full-pay tuberculosis cases: All rooms $21.00 a week. All X-ray, laboratory, and other special charges are included in this rate.

§ 401.8 *In-patient rates, part-pay patients.* Part-pay patients shall pay rates in accordance with the following rate schedule:

RATES

Monthly family income deviation from schedule in § 401.6	General hospital		Tuberculosis hospital
	Adults	Children under 13	
Up to and including $49 over minimum	*Per day* $5.00	*Per day* $3.00	*Per week* $9.00
From $50 to $99 inclusive over minimum	7.00	4.00	18.00

All X-ray, laboratory, special services and care of newborn are included in the above rate schedule. The above rate schedule shall also apply to maternity cases, tonsillectomy cases, and tuberculosis cases.

§ 401.9 *Out-patient rates; referred patients.* Referred patients shall pay for X-ray, laboratory, and other special services in accordance with the schedule set forth in § 401.12.

§ 401.10 *Out-patient rates; emergency patients.* The fee for treatment of emergency patients shall be $3.00 per treatment, but if suturing is required, then the fee shall be $5.00. Emergency patients shall also pay for X-ray, laboratory, and other special services in accordance with the schedules set forth in § 401.12. The fee for routinely prescribed drugs and medications shall be $0.50 for each prescription filled. The hospital may waive payment of any of the fees prescribed by this section if it determines that the patient is financially unable to pay such fees.

§ 401.11 *Out-patient rates; clinic patients.* The fee for care or treatment of clinic patients shall be $2.00 for each visit to the clinic. This fee will include all X-ray, laboratory, and other special services necessary. The fee for routinely prescribed drugs and medications shall be $0.50 for each prescription filled. No charge shall be made for care or treatment of clinic patients at the tuberculosis or venereal disease clinics. Patients who fall in the part-pay scale for in-patient care and who are registered in the pre-natal clinic will be charged a rate of $75.00 covering pre-natal, delivery, and post-natal care. The hospital may waive payment of any of the fees prescribed in this section if it determines that the patient is financially unable to pay such fees.

§ 401.12 *Rates for X-ray, laboratory, and other special services*—(a) *X-ray examinations.*

Abdomen	$10.00
Aerocystogram	8.00
Ankle	8.00
Barium colon enema	10.00
Chest	7.00
Dental	5.00
Elbow	8.00
Femur	8.00
Gastroduodenal series	10.00
Gall bladder with dye	15.00
G. I. complete (stomach, colon, gall bladder)	25.00
Hip	12.00
Jaw	7.50
Knee	8.00
Mastoids	12.00
Pelvis	8.00
Pyelography:	
Retrograde	10.00
Intravenous	15.00
Skull:	
(4 views)	$20.00
(2 views)	10.00
Sinuses	7.50
Shoulder extremities	7.50
Spine:	
Complete	25.00
Dorsal	10.00
Lumbar	10.00
Cervical	10.00
Thorax	8.00
Tibia	7.50
Hand or Foot	8.00

NOTE 1: Children under 7 years shall be charged one-half the above rates.

NOTE 2: For any X-ray not listed, a reasonable price will be set, using the above table as a guide.

(b) *X-ray therapy.*

1. X-ray therapy, deep:	
Series of 15 to 40 treatments	$25.00
Any additional series	12.50
2. X-ray therapy, superficial:	
Series of 1 to 15 treatments	10.00
Any additional series	5.00

(c) *Bacteriological examinations.*

Agglutination tests	¢5.00
Bacterial culture	5.00
Bacterial culture with animal inoculation	10.00
Blood culture	5.00
Culture for G. C. organisms	5.00
Feces examination (for causative organisms)	5.00
Feces examination (for parasites and ova)	5.00
G. C. smear	2.00
Antibiotic assay	5.00
Antibiotic sensitivity	5.00
Pneumococcus typing	3.00
Sputum smear	2.00

(d) *Blood chemistry.*

A/G ratio	$10.00
Amylase	3.00
Ascorbic acid	3.00
Bilirubin (Van den Bergh)	2.00
Calcium	3.00
Chemical examination of blood (creatinine, glucose, nonprotein nitrogen or urea nitrogen, uric acid)	7.50
Chlorides	5.00
Cholesterol	3.00
CO_2 combining power	5.00
Galactose tolerance	5.00
Glucose tolerance	10.00
Icterus index	3.00
Lipase determination	3.00
Non-protein nitrogen	5.00
Phosphatase	5.00
Phosphorus	5.00
Proteins (Kjaldahl)	3.00
Prothrombin	3.00
Spinal fluid proteins	2.00
Sugar, blood	5.00
Sulphonamide determination	5.00
Thiocynante	2.00
Urea clearance	10.00
Urea nitrogen	5.00
Uric acid	5.00

(e) *Hematology and urinalysis.*

Bleeding time	$1.00
Blood platelet	1.00
Blood typing	2.00
Blood typing with serology	7.50
Coagulation time	1.00
Complete hemogram (hemoglobin, red and white, sed. rate, hematocrit, and differential)	5.00
Differential count	3.00
Hemoglobin estimation	1.00
Red and white blood count	3.00
Reticulocyte count	2.00
Sedimentation rate and hematocrit	3.00
Sickle cell determination	2.00
Urinalysis	2.00

(f) *Serology.*

Cephalin cholesterol	$2.00
Cold agglutination test	5.00
Colloidal gold on spinal fluid	5.00
Colloidal gold on spinal fluid with Kahn test	10.00
Serologic test for syphilis	5.00

(g) *Plaster casts.*

Arm	$2.50
Chest	5.00
For disease or injury of vertebrae	7.50
Thighs and hips	7.50
Thigh and leg	2.50
Torso	7.50
Torso and hips	7.50
Torso, entire body (chest to feet)	10.00

(h) *Surgical pathology.*

Routine	$5.00
Microscopic	10.00
Frozen	15.00

(i) *Miscellaneous.*

Plasma, per 500 cc	$35.00
Basal metabolism	10.00
Bronchoscopic examination	5.00
Circumcision (Set-up)	5.00
Cystoscopic examination	15.00
Electro-cardiography	10.00
Gastric analysis	3.00
Pneumothorax	1.00
Oxygen therapy	7.50

§ 401.13 *Rates for unlisted services and drugs or medications not prescribed routinely.* Laboratory or other special services for which rates are not specifically prescribed in this part and drugs and medications other than those prescribed routinely shall be paid for at rates based on the cost of materials, personal services and equipment involved as determined by the Superintendent: *Provided*, That such rates shall be comparable to pertinent rates prescribed in this part.

§ 401.14 *Patients referred by District of Columbia; rates.* (a) In-patients who are referred and certified to the hospital by the District of Columbia as indigent resident patients of the District shall not be required to pay for their hospitalization. In such cases, the District of Columbia will make payment to the hospital for such patients at the rate approved by the Bureau of the Budget as the reimbursable rate for in-patient treatment and care payable by the District of Columbia to Freedmen's Hospital. Part-pay resident in-patients of the District who are referred and certified to the hospital by the District of Columbia shall pay charges as indicated by the District for their hospitalization, which charge shall include all X-ray, laboratory, and other special services. In such cases the District will also pay to the hospital an additional amount which when added to the charge payable by such part-pay patients, will equal the per diem rate approved by the Bureau of the Budget as the reimbursable rate for in-patient hospitalization payable by the District of Columbia to Freedmen's Hospital.

(b) Out-patients determined to be indigent residents of the District of Columbia shall not be required to pay for clinic services, prescriptions filled, X-ray, laboratory, and other special services. In such cases, the District of Columbia will make payment to the hospital for

such patients at the rate approved by the Bureau of the Budget as the reimbursable rate for out-patient treatment and care payable by the District of Columbia to Freedmen's Hospital.

§ 401.15 *Bureau of Employees' Compensation beneficiaries; rates.* Federal employees who are beneficiaries of the Bureau of Employees' Compensation, Department of Labor shall not be charged for hospitalization and other services which they receive at the hospital pursuant to the authorization and request of said Bureau.

§ 401.16 *Modification of rates for extended hospitalization.* In those cases where it is found that a patient must be hospitalized for a long term and in which the patient or his responsible representative is found, upon investigation, to be unable to pay for care for the full period of hospitalization required, the Superintendent is authorized to reduce the rates otherwise payable in accordance with § 401.6, § 401.7, and § 401.8 or to continue to render hospital services at no charge. Reduced rates shall not go into effect until after the first 14 days of hospitalization. The Superintendent shall establish the effective date of the reduced rate in each case.

Dated: November 28, 1951.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: December 3, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-14502; Filed, Dec. 6, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 450]

DENVER UNION STOCK YARD CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued in this proceeding on August 17, 1951 (10 A. D. 1033) prescribing the rates and charges to be assessed by the respondent for stockyard services at the Denver Stock Yards, Denver, Colorado.

On November 26, 1951, respondent, by its attorney, filed a petition requesting that the order of August 17, 1951, be modified so as to authorize the respondent, during the period January 1, 1952, through December 31, 1953, to assess the following rates and charges for stockyard services:

SECTION 1—YARDAGE CHARGES

Yardage charges are as shown below, and will be assessed against and collected from the person, firm, or corporation selling, receiving, or handling the livestock at The Denver Union Stock Yards, subject to the exceptions below:

(1) On livestock received and sold at these yards, also including livestock resold through commission firms.

(2) On livestock sold or contracted in the country to weigh and/or deliver at these yards.

(3) On livestock consigned direct to packers and slaughterers.

ARRIVING BY RAIL, ON HOOF, OR RESOLD THROUGH COMMISSION FIRMS

	Per head
Cattle (except bulls)	$0.73
Bulls (600 pounds and over except purebreds)	1.10
Calves (400 pounds and under)	.47
Hogs	.26
Sheep or goats	.14
Horses or mules	.70
Purebred bulls	2.00
Purebred cows and heifers	1.50
Direct hogs by rail	.18

ARRIVING BY VEHICLE OTHER THAN RAIL

Cattle (except bulls)	$0.80
Bulls (600 pounds and over except purebreds)	1.17
Calves (400 pounds and under)	.52
Hogs	.28
Sheep or goats	.17

ARRIVING BY VEHICLE OTHER THAN RAIL—CON.

	Per head
Purebred bulls	$2.00
Purebred cows and heifers	1.50
Direct hogs	.20

RESOLD AND/OR REWEIGHED FOR PURPOSES OF SALE EXCEPT THROUGH COMMISSION FIRMS

Cattle	$0.20
Calves (400 pounds and under)	.13
Hogs	.08
Sheep or goats	.04
Horses or mules	.40
Purebred bulls	1.50
Purebred cows and heifers	1.50

RESOLD AND/OR REWEIGHED, OTHER THAN THROUGH A COMMISSION FIRM, FOR SHIPMENT OFF THE MARKET

Cattle	$0.10
Calves (400 pounds and under)	.05
Hogs	.04
Sheep	.02

SUBJECT TO EXCEPTIONS HEREINAFTER STIPULATED

(4) On livestock consigned to the Denver market and offered for sale, but forwarded unsold to another market or to the country, the yardage charge will be waived, unless offered for sale by auction in which event full yardage will apply. This exception does not apply on purebred livestock exhibited in The National Western Stock Show. On such shipments, regardless of whether sold or not, full yardage rates shall apply.

(5) On through shipments handled for the railroads and not sold, the yardage charge will be waived. (See section 3 for yarding charge.)

(6) Cattle and sheep purchased by contract for a specified consignee at point of origin, and moving on through billing to points beyond Denver, may be stopped at Denver to be weighed, classified, sorted, inspected, delivered, tagged, faced, crotched, and/or diverted for a charge of $12.50 per car or per truck in lieu of yardage. In the event the shipment or a part of it is sold on the Denver market, the regular yardage charge will apply on that portion sold.

If the shipment moves out of Denver to a consignee other than that shown on the original contract, full yardage charges will apply.

NOTE: This provision is subject to cancellation on one day's notice.

SECTION 2—FEED, BEDDING, ETC.

(See Note)

Prairie or alfalfa hay on fence: $2.35 per hundredweight.

Prairie or alfalfa hay fed out: $2.45 per hundredweight.

Corn: $2.35 per bushel measure.

Bedding (1): $1.10 per bale.

Miscellaneous feed, current market price f. o. b. stock yards $0.75 per hundredweight.

When feed other than the above is desired, it will be furnished, if obtainable, by special arrangement.

When livestock is fed or bedded or watered in cars, a charge of $1.00 per deck will be made in addition to the regular charge for feed or other material used.

When empty stock or box cars are bedded with hay or straw, a charge of 55 cents per deck will be made in addition to the charge for hay or straw used.

(1) Hay may be furnished at the discretion of the Stock Yard Co.

The selling price of feed, bedding, etc., at The Denver Union Stock Yards shall be as follows:

Hay (on fence), current market price, f. o. b. stock yards, plus: $0.50 per hundredweight.

Hay (fed), current market price, f. o. b. stock yards, plus: $0.60 per hundredweight.

Misc. feed, current market price, f. o. b. stock yards, plus: $0.50 per hundredweight.

Corn, current market price, f. o. b. stock yards, plus: $0.45 per bushel.

Bedding, current market price, f. o. b. stock yards, plus: $0.40 per bale.

The charges on hay, corn and miscellaneous feed and bedding shall be divisible by five and the Company shall amend its charges whenever the margin between the cost and the sale price varies five cents from the margin of the profits set forth above. When feed other than that set forth above is desired, it will be furnished, if obtainable, by special arrangement.

NOTE: Applies only on market business; see section 3 for feed charges on transit business.

SECTION 3—YARDING CHARGES AND FEED CHARGES FOR TRANSIT BUSINESS

On transit livestock, not offered for sale, stopped at The Denver Union Stock Yards for feed, water and rest, or for other reasons, a yarding charge, as indicated below, will be made to cover the movement of the livestock to and from the railroad and/or truck chute pens; such yarding charge to be in addition to the selling price of the feed as hereinafter set forth; and to the service charge otherwise provided for in tariffs of The Denver Union Stock Yard Company:

	Per deck
Cattle, calves, horses, and sheep	$1.70
Hogs	1.05

On through shipments of livestock, stopped at The Denver Union Stock Yards but not offered for sale, received by other than rail and reshipped by rail; or received by rail and reshipped by other than rail; or received and reshipped by other than rail, a

charge as indicated below will be made for the service required and for the use of facilities; such charge to be in addition to any regular applicable charge otherwise provided for in tariffs of The Denver Union Stock Yard Company.

	Per car [1]
Cattle, calves, horses, sheep, and hogs	$4.00

[1] Under this item 30 cattle, or 60 calves, or 100 hogs, or 217 sheep, or fraction thereof, constitute a car.

FEED CHARGES

On through transit shipments of livestock, not offered for sale, stopped at Denver at the request of the shipper or by the railroads in order to comply with the 28-hour law, or for other reasons, the feed charges will be as follows:

TRANSIT FEEDING OF HAY

(See Note)

Cattle and calves—single deck car	$10.15
Calves—double deck car	12.70
Horses and mules—per car	12.70
Sheep, lambs, goats—single deck car	7.60
Sheep, lambs, goats—double deck car	15.20
Corn (fed out or put in cars) 4 bushels or over, per deck (per bushel)	2.50
Corn (fed out or put in cars) under 4 bushels, per deck (per bushel)	2.60

NOTE: The above rates cover one feeding of hay of not less than an amount specified by the Bureau of Animal Industry, U. S. Department of Agriculture, as the minimum requirements for livestock loading to standard car minimum. The same rates will apply to truck shipments stopping for feed, water, and rest. When additional feeding is required, it will be subject to charges provided in section 2 of this tariff.

The selling price of corn at The Denver Union Stock Yards applying on traffic moving under section 3 of this tariff shall be as follows:

	Per bushel
Corn, for 4 bushels or over per deck, current market price, f. o. b. stock yards, plus	$0.60
Corn, under 4 bushels per deck, current market price, f. o. b. stock yards, plus	.70

SECTION 4—BRANDING, MARKING, CASTRATING, TIPPING, DEHORNING, ETC.

Branding:	Per head [1]
One iron	$0.27
Each additional iron	.06
Adult bulls	1.00
Dehorning:	
Steers and cows	.50
Bulls and stags	1.00
Tipping horns:	
Steers and cows	.25
Bulls and stags	.60
Castration (use of facility charge) (see note)	.50
Ear cropping	.20
Wattling	.20
Use of facility charge where stockyard does no work (minimum)	2.50

[1] Subject to minimum of $2.50.

Three cents (3¢) per head each way additional will be charged for handling cattle to or from pens.

This company will not be responsible for any loss or damage incident to branding, marking, castrating, tipping, dehorning, etc., unless insured with the Company. The Company will insure any kind of livestock against death for one percent of the declared value in addition to the above charges. In the event insurance is desired, declaration of value and desire of insurance must be made when order is placed.

NOTE: The Denver Union Stock Yard Company or any of its employees will not perform the service of castration on any livestock. Veterinarians are available at most times at the Denver Union Stock Yards and arrangements can be made with them for castration at their usual fees for such service. The Denver Union Stock Yard Company will not assume any liability of any kind whatsoever in obtaining the services of a veterinarian if such request is made on the Stock Yard Company to obtain such party acting on behalf of shipper. Contract for the performance of the work will be solely between the owner of the livestock and the veterinarian, and The Denver Union Stock Yard Company will charge only for the use of facilities as set forth in this item.

SECTION 5—DIPPING CHARGES

Dipping charges will be as follows:

Cows, steers and heifers: $0.50 per head, minimum $40.00 per lot.
Calves: $0.40 per head, minimum $40.00 per lot.
Bulls: $1.50 per head, minimum $40.00 per lot.
Lambs: $0.10 per head, minimum $40.00 per lot.
Ewes: $0.12 per head, minimum $40.00 per lot.
Bucks: $0.15 per head, minimum $40.00 per lot.

This Company will not be responsible for any loss or damage incident to dipping, unless insured with the Company. The Company will insure any kind of livestock against death for one percent of the declared value in addition to dipping charge. In the event insurance is desired, declaration of value and desire of insurance must be made when dipping order is placed.

All dipping is subject to the supervision and regulations of the Bureau of Animal Industry of the U. S. Department of Agriculture.

SECTION 7—IMMUNIZATION AND VACCINATION

Use of facilities only:

Where facilities are used exclusively for vaccination of cattle 10 cents per head will be charged, subject to minimum charge of $2.50.

Facilities for vaccinating and immunizing swine are leased to private parties, but reasonable rates must be charged by them for this work.

The work of temperaturing and vaccinating swine is done under the supervision and regulations of the Bureau of Animal Industry, United States Department of Agriculture.

The vaccination of cattle is done by private agencies.

SECTION 9—BOARDING AND STABLING CHARGES

Draft horses and saddle horses: Owner must call for and deliver all horses at Company barn, $40 per month.

Single feeds: $0.75 each.

Above charges include feeding of grain and hay, watering, bedding, cleaning, saddling and/or harnessing.

Milch cows and saddle or other horses kept in cattle, sheep and/or hog yards and not in regular movement through market: $0.50 per day, $12.50 per month.

SECTION 10—WEIGHING

Weights will be furnished as a basis for freight charges on request of the Western Weighing and Inspection Bureau or railroads or trucks for a charge of $2.00 per dr ft.

The authorization, if granted, will produce additional revenues for the respondent and increase the cost of marketing to shippers. Accordingly, it appears that this public notice should be given of the filing of the petition in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who wish to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 3d day of December 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51-14512; Filed, Dec. 6, 1951; 8:48 a. m.]

[7 CFR Part 976]

[Docket No. AO-237]

HANDLING OF MILK IN THE FORT SMITH, ARK., MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Circuit Court Room, Sebastian County Courthouse, Fort Smith, Arkansas, beginning at 10:00 a. m., c. s. t., January 7, 1952.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Fort Smith, Arkansas, marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposals set forth below have not received the approval of the Secretary of Agriculture and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modification thereof.

Marketing agreement and order proposed by the Farm Bureau Milk Producers Association:

DEFINITIONS

§ 976.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

§ 976.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 976.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 976.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 976.5 *Cooperative Association.* "Cooperative association" means any cooperative marketing association of pro-

ducers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 976.6 *Fort Smith, Arkansas, marketing area.* "Fort Smith, Arkansas, marketing area" hereinafter called the marketing area, means all territory included within the corporate limits of Fort Smith, Arkansas, Van Buren, Arkansas, Russellville, Arkansas, Paris, Arkansas, Clarksville, Arkansas, and within the boundaries of the Camp Chaffee military reservation.

§ 976.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores); or,

(b) A milk plant approved by any health authority having jurisdiction in the marketing area which received milk from producers, as defined in this subpart, and which serves as a receiving station for a plant specified in paragraph (a) of this section.

§ 976.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 976.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; or,

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 976.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided*, That such milk is produced under a dairy farm permit or rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk. This definition shall include any such person who is regularly classified as a producer, but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. This definition shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 976.61.

§ 976.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is purchased or received by a handler, either directly from producers or from other handlers.

§ 976.12 *Other source milk.* "Other source milk" means all milk and butterfat other than that contained in producer milk.

§ 976.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 976.14 *Producer without base.* "Producer without base" means any person other than a producer-handler who produces milk which is received at approved plant under the same terms and conditions as a producer, but who has not established a base pursuant to the provisions of § 976.90.

§ 976.15 *Excess price.* "Excess price" shall be the price computed by the market administrator to be paid during all months that the established bases are used for computing prices to be paid producers for all milk other than base milk on the basis of a blend of Class I sales in excess of delivered base at the Class I price and Class II milk at the Class II price.

§ 976.16 *Base milk.* "Base milk" means producer milk received by a handler during any of the months when established bases are used for computing payments to producers which is not in excess of such producer's allotted base.

MARKET ADMINISTRATOR

§ 976.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 976.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and,

(d) To recommend amendments to the Secretary.

§ 976.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator.

(d) Pay out of funds provided by § 976.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 976.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to § 976.30 to § 976.32, inclusive;

(2) Maintained adequate records and facilities pursuant to § 976.33; or

(3) Made payments pursuant to § 976.80 to § 976.88, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who are members of such cooperative association, to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by a cooperative association shall be pro-rated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 976.51 (a) and the Class I butterfat differential pursuant to § 976.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 976.51 (b) and the Class II butterfat differential pursuant to § 976.52 (b), both for the preceding month; and,

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 976.71 and the butterfat differential computed pursuant to § 976.81, both applicable to milk delivered during the preceding month; and,

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

(l) Furnish to a cooperative association for its members the data furnished pursuant to § 976.30 (a).

REPORTS, RECORDS AND FACILITIES

§ 976.30 *Reports of receipts and utilization.* On or before the 7th day after

the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from each producer;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing, or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area; and,

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 976.31 *Payroll records.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk;

(b) The amount of payment to each producer and cooperative association; and,

(c) The nature and amount of any deductions or charges involved in such payments.

§ 976.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 976.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and,

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 976.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 976.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 976.30 shall be classified by the market administrator pursuant to the provisions of §§ 976.41 to 976.46, inclusive.

§ 976.41 *Classes of utilization.* Subject to the conditions set forth in §§ 976.43 and 976.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, aerated products containing milk or cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section; and any other product containing skim milk or butterfat not specifically accounted for in paragraph (b) of this section which the health regulations shall now or hereafter require to be made from Grade A milk.

(b) Class II milk shall be all skim milk and butterfat;

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In shrinkage up to 2 percent of receipts from producers;

(4) In shrinkage of other source milk; and,

(5) In inventory variations of milk, skim milk and cream.

§ 976.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and,

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 976.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat (except that transferred to a producer-handler) shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 976.44 *Transfers.* Skim milk or butterfat disposed of by a handler, either by transfer or diversion, shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided,* That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 976.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further,* That if either or both handlers have received other source milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk, if transferred or diverted to a producer-handler in the form of milk, skim milk or cream.

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 100 miles from the approved plant by the shortest highway distance, as determined by the market administrator.

(d) As Class I milk, if transferred in the form of cream under Grade A certification to an unapproved plant located more than 100 miles from the marketing area, and as Class II milk if so transferred without Grade A certification.

(e) (1) As Class I milk if transferred or delivered in the form of milk, skim milk or cream to an unapproved plant located not more than 100 miles from the approved plant, and from which fluid milk is disposed of on wholesale or retail routes, unless all the following conditions are met:

(i) The market administrator is permitted to audit the records of such unapproved plant; and,

(ii) Such unapproved plant receives milk from dairy farmers who the market administrator determines constitute its regular source of supply for Class I milk.

(2) If these conditions are met, the market administrator shall classify such milk as reported by the handler, subject to verification as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant; and,

(ii) Allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after

subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the unapproved plant direct from dairy farmers.

(f) As Class II milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 100 miles from the approved plant and from which fluid milk is not disposed of on wholesale or retail routes.

§ 976.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler, and shall compute the pounds of skim milk and butterfat in Class I and Class II milk for such handler.

§ 976.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 976.43, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 976.41 (b) (3).

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each Class the skim milk received from other handlers according to its classification, as determined pursuant to § 976.44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and,

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 976.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 976.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph;

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for non-fat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 976.51 *Class prices.* Subject to the provisions of §§ 976.52 and 976.53, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price plus $2.05 during all months of the year, provided that for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The average of the basic field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Pet Milk Co., Paris, Ark.
Ozark Creamery, Ozark, Ark.
Carnation Milk Co., Rogers, Ark.
Sugar Creek Creamery, Russellville, Ark.

§ 976.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 976.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 976.51, for each one-tenth of one percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: Multiply by 1.25;

(b) Class II milk: Multiply by 1.15.

APPLICATION OF PROVISIONS

§ 976.60 *Producer-handlers.* Sections 976.40 to 976.46, 976.50 to 976.52, 976.70 to 976.71, 976.80 to 976.88 and 976.90 to 976.92, shall not apply to a producer-handler.

§ 976.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply, except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other subpart to which he is subject.

§ 976.62 *Use of prior records for establishment of initial bases.* The market administrator is hereby authorized, empowered and directed to make an administrative determination from the records of the handlers in this marketing area and the producers association in this marketing area of the daily base and monthly base of all producers on the market, if necessary, in order to effect the provisions of § 976.91 during the first year of its operation.

§ 976.63 *Other source milk.* For any other source skim milk or butterfat subtracted from Class I pursuant to the provisions of § 976.46, the market admin-

istrator in determining the net pool obligation of the handler pursuant to this order shall add an amount equal to the difference between the value of such skim milk and butterfat at the Class I and at the Class II price, unless such handler can prove to the satisfaction of the market administrator that such skim milk and butterfat was utilized only to the extent that producer milk was not available.

DETERMINATION OF UNIFORM PRICE

§ 976.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, adding together the resulting amounts: *Provided,* That if the handler had overage of either skim milk or butterfat, there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 976.46 by the applicable class prices.

§ 976.71 *Computation of uniform prices.* For each month the market administrator shall compute the uniform prices per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 976.70 for all handlers who made the reports prescribed in § 976.30 and who made the payments pursuant to §§ 976.80 and 976.83 for the preceding month.

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 976.81.

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 976.84.

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 976.82 and multiplying the resulting figure by the total hundredweight of such milk.

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk included in these computations.

(f) For each of the months of October through January, divide the resulting amount by the total hundredweight of milk included in these computations. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received from producers.

(g) For each of the months of February through September, compute a uniform price for base milk and a uniform price for excess milk as follows:

(1) Compute the total quantity of milk which represents the delivered bases of producers and which is included in the computation made pursuant to paragraph (a) of this section.

(2) Compute the total value of the milk which is in excess of the delivered base of producers computed pursuant to subparagraph (1) of this paragraph and which is included in the computation pursuant to paragraph (a) of this section as follows:

(i) Determine the classification of milk in excess of base by allocating such milk first to Class II and then to Class I until all such milk has been classified;

(ii) Multiply the total pounds of excess milk allocated to each class by the appropriate class prices provided in § 976.51; and,

(iii) Add together the resulting amounts.

(3) Compute the total value of the milk represented by the delivered bases of producers by subtracting the value obtained in subparagraph (2) of this paragraph from the value obtained in paragraph (a) of this section.

(4) Divide the result obtained in subparagraph (3) of this paragraph by the quantity of milk represented by the delivered bases of producers as determined by subparagraph (1) of this paragraph. This result will be known as the uniform price per hundredweight for such month for base milk of producers containing 4.0 percent butterfat.

(5) Divide the result obtained in subparagraph (2) of this paragraph by the total hundredweight of milk in excess of the delivered base of producers. This result shall be known as the "excess price" for such month.

(h) On or before the 12th day after the end of each month, notify all handlers of these computations, of the uniform price per hundredweight of base milk and the excess price per hundredweight, computed pursuant to this paragraph.

PAYMENTS

§ 976.80 *Time and method of payment.* Each handler shall make payment to producers as follows: (a) On or before the 15th day after the end of the month during which the milk was received after deducting the amount of the payments made pursuant to paragraph (b) of this section, subject to the butterfat differential computed pursuant to § 976.81, for milk purchased or received from producers by each handler during such month, such handler shall make payment as follows:

(1) To each producer, except as set forth in subparagraph (3) of this paragraph, not less than the uniform price per hundredweight, computed pursuant to § 976.71 (g) (4) for that quantity of milk received from such producer not in excess of such producer's base; and

(2) To each producer, except as set forth in subparagraph (3) of this paragraph, not less than the excess price, computed pursuant to § 976.71 (g) (5), for that quantity of milk received from such producer in excess of such producer's base; and,

(3) To a cooperative association for milk which it caused to be delivered to a handler from producers and for which such cooperative association is authorized to collect payments, if the cooperative association so requests, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under subparagraphs (1) and (2) of this paragraph.

(b) On or before the last day of each month, each handler shall make payment for milk purchased or received from producers during the first 15 days of the month to each producer at not less than the Class II price for the preceding month: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association, which is authorized to collect payments for such milk, if the cooperative association so requests, the handler shall pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

§ 976.81 *Producer-butterfat differential.* In making payments pursuant to § 976.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 976.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 976.61 (b), 976.83 and 976.85, and out of which he shall make all payments to handlers pursuant to §§ 976.84 and 976.85.

§ 976.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 976.70 is greater than the amount required to be paid producers by such handler pursuant to § 976.80.

§ 976.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 976.70 is less than the amount required to be paid producers by such handler pursuant to § 976.80: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the neces-

sary funds are available. No handler who has not received the balance of such payment from the market administrator shall be considered in violation of § 976.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund. The handlers shall complete such payments to producers not later than the date for making such payments next following after the receipt of the balance from the market administrator.

§ 976.85 *Adjustments of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting on moneys due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or,

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 976.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 976.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services.

§ 976.87 *Expenses of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 976.88 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of paragraphs (b) and (c) of this section terminates two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to § 8 (c) (15) (A) of the act, a petition claiming such money.

BASE RATING

§ 976.90 *Determination of monthly base.* For each month during which payments to producers are made pursuant to established bases, the monthly base of each producer shall be a quantity of milk calculated by the market administrator by multiplying the number of days in such month that a producer delivers by the daily base of each producer which has been determined pursuant to the provisions of § 976.91.

§ 976.91 *Determination of daily base.* Effective February 1, 1952, through September 30, 1952, and for all months of each succeeding year except those months used for establishing bases, the daily average base of each producer shall be a quantity of milk calculated by the market administrator in the following manner: Divide the total pounds of milk sold or delivered to a handler from October 1, 1951 through January 31, 1952, and the same months of each succeeding year by the total number of days in this period that a producer delivers, or 90, whichever is more. This quantity of milk shall be known as a producer's daily average base.

§ 976.92 *Base rules.* (a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days, except as provided for in paragraph (c) of this section, shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler, he shall be allotted a daily base computed in the manner provided in § 976.91.

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and the landlord, the daily base shall be terminated when such share basis is terminated: *Provided,* That if an agreement in writing specifying the exact percentage of the base owned by each party is filed with the office of the market administrator prior to the end of the base setting period. Such an agreement shall remain in full force and effect until cancelled or modified by the parties thereto.

(c) A producer, whether a landlord or a tenant, may retain his base when moving his entire herd of cows from one farm to another.

(d) Base may not be transferred except (1) in case of the death (or retirement) of a producer, in which case his base may be transferred to a surviving member or members of his family who carry on the same dairy operation; and, (2) in case a producer goes out of the business of producing milk and sells 100 percent of his dairy herd, in which case the entire base may be transferred to the purchaser; and, (3) a producer who has established a base pursuant to the provisions of § 976.90 and who goes into active military service shall, upon his discharge from the armed forces, be given the daily average base which he had earned prior to entering military service for use until the next base setting period after his discharge from the armed forces. Such a producer must make regular application to the market administrator for determination of his eligibility under this provision.

(e) For the purposes of this section only, the term "producer" shall include

any person who has been a producer as defined in § 976.10, but whom the appropriate health officer or his authorized representative has suspended temporarily for failure to produce milk in conformity with the applicable health regulations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 976.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 976.101.

§ 976.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 976.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 976.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

The following modification of the above proposal is proposed separately by the Northwest Arkansas Dairy Farmers Association, Inc., Fayetteville, Arkansas, and by Roselawn Dairies of Arkansas, Inc., Fort Smith, Arkansas:

1. That the said marketing area (§ 976.6 above) be enlarged to include all territory within Washington and Benton Counties in the State of Arkansas.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: December 3, 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-14549; Filed, Dec. 6, 1951; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 42]

AIRCRAFT LIMITATIONS FOR IFR OPERATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment to Part 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by January 10, 1952, will be considered by the Board before taking further action on the proposed rule. Copies of such communications will be available after January 14, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

The present Civil Air Regulations do not specifically provide that aircraft used for IFR passenger operations in accordance with Part 42 must be equipped with fully functioning dual controls. However, there can be no doubt that such is the intent of the regulations when reference is made to other sections of the part. For such operations a copilot with a currently effective instrument rating is required to be at the controls at all times while taking off and landing. Similarly, aircraft requirements for flight tests and simulated instrument flight require fully functioning dual controls.

Although multiengine aircraft with a "throw-over" yoke have been unknown in the past in passenger air carrier operations, it now appears that developments in aircraft of less than 12,500 pounds maximum certificated take-off weight may herald such a control arrangement. Therefore, in order to clarify the existing regulations, the Bureau deems it wise to amend the rules to specifically require fully functioning dual controls for IFR passenger-carrying operations under Part 42.

It is proposed to amend § 42.16 (a) to read as follows:

§ 42.16 *Aircraft limitations for IFR and land aircraft overwater operations.* * * *

(a) *IFR operations.* Aircraft shall be multiengine with fully functioning dual controls and shall meet the appropriate en route operating limitations of § 42.74 or § 42.82.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. This proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560)

Dated: December 3, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 51-14545; Filed, Dec. 6, 1951; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 51-54]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority:

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Cushions are approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/108/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Stearns Manufacturing Co., West Division Street at Thirtieth, St. Cloud, Minn.

Approval No. 160.007/109/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Elvin Salow Co., Boston, Mass., for B. & L. Harris & Son, 2163 Coney Island Avenue, Brooklyn 23, N. Y.

Approval No. 160.007/110/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by O'Malley Sailmakers, 1818 Purdy Avenue, P. O. Box 743, Miami Beach, Fla.

Approval No. 160.007/111/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Farber Brothers, Inc., 821–841 Linden Avenue, Memphis, Tenn.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4–1, 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.008/443/0, 13" x 18" x 2" rectangular buoyant cushion, 21-ounce kapok, Dwg. No. S–101A, dated September 20, 1951, and revised October 8, 1951, manufactured by Stearns Manufacturing Co., West Division Street at Thirtieth, St. Cloud, Minn.

Approval No. 160.008/444/0, 12" x 48" x 2" rectangular buoyant cushion, 51-ounce kapok, American Pad & Textile Co. Drawings Nos. A–391 dated October 8, 1951, and C–358 dated October 8, 1951, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Montgomery Ward & Co., Inc., Chicago 7, Ill.

Rectangular buoyant cushions manufactured by The American Pad & Textile Co., Greenfield, Ohio, General Assembly Dwg. No. C–198, dated November 1, 1946, revised October 11, 1951, in the following sizes with the amount of kapok indicated for each size:

Approval No.	Size (inches)	Kapok (ounces)
160.008/445/0	12 x 20 x 2	21¼
160.008/446/0	12 x 23 x 2	24½
160.008/447/0	12 x 26 x 2	27¾
160.008/448/0	12 x 29 x 2	31
160.008/449/0	12 x 32 x 2	34¼
160.008/450/0	12 x 35 x 2	37¼
160.008/451/0	12 x 38 x 2	40½
160.008/452/0	12 x 41 x 2	43¾
160.008/453/0	12 x 44 x 2	47
160.008/454/0	12 x 47 x 2	50¼
160.008/455/0	12 x 50 x 2	53¼
160.008/456/0	12 x 53 x 2	56½
160.008/457/0	12 x 56 x 2	59¾
160.008/458/0	12 x 59 x 2	63
160.008/459/0	12 x 62 x 2	66¼
160.008/460/0	12 x 65 x 2	69¼
160.008/461/0	12 x 68 x 2	72½
160.008/462/0	12 x 71 x 2	75¾
160.008/463/0	15 x 20 x 2	26¾
160.008/464/0	15 x 23 x 2	30¾
160.008/465/0	15 x 26 x 2	34¾
160.008/466/0	15 x 29 x 2	38¾
160.008/467/0	15 x 32 x 2	42¾
160.008/468/0	15 x 35 x 2	46¾
160.008/469/0	15 x 38 x 2	50¾
160.008/470/0	15 x 41 x 2	54¾
160.008/471/0	15 x 44 x 2	58¾
160.008/472/0	15 x 47 x 2	62¾
160.008/473/0	15 x 50 x 2	66¾
160.008/474/0	15 x 53 x 2	70¾
160.008/475/0	15 x 56 x 2	74¾
160.008/476/0	15 x 59 x 2	78¾
160.008/477/0	15 x 62 x 2	82¾
160.008/478/0	15 x 65 x 2	86¾
160.008/479/0	15 x 68 x 2	90¾
160.008/480/0	15 x 71 x 2	94¾
160.008/481/0	18 x 20 x 2	32
160.008/482/0	18 x 23 x 2	36¾
160.008/483/0	18 x 26 x 2	41½
160.008/484/0	18 x 29 x 2	46½
160.008/485/0	18 x 32 x 2	51¼
160.008/486/0	18 x 35 x 2	56
160.008/487/0	18 x 38 x 2	60¾
160.008/488/0	18 x 41 x 2	65½
160.008/489/0	18 x 44 x 2	70½
160.008/490/0	18 x 47 x 2	75¼
160.008/491/0	18 x 50 x 2	80
160.008/492/0	18 x 53 x 2	84¾
160.008/493/0	18 x 56 x 2	89½
160.008/494/0	18 x 59 x 2	94½
160.008/495/0	18 x 62 x 2	99¼
160.008/496/0	18 x 65 x 2	104
160.008/497/0	18 x 68 x 2	108¾
160.008/498/0	18 x 71 x 2	113½

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4–1, 160.008)

WINCHES, LIFEBOAT

Approval No. 160.015/44/0, Type H lifeboat winch for use with mechanical davits, fitted with wire rope not more than ½ inch in diameter and with not more than 7 wraps of the falls on the drums, approved for maximum working load of 6,600 pounds pull at the drums (3,300 pounds per fall), identified by Left Hand Assembly Dwg. No. L–22321–E dated April 8, 1949, and revised June 20, 1951, manufactured by the Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 33.10–5, 59.3a, 60.21, 76.15a, 94.14a, 160.015)

LIFE FLOATS

Approval No. 160.027/22/0, 7.0' x 3.17' (9" x 9" body section) rectangular solid balsa wood life float, 10-person capacity, construction and arrangement Dwg. No. 31951 dated March 19, 1951, revised August 14, 1951, manufactured by Winner Manufacturing Co., Inc., Trenton, N. J.

Approval No. 160.027/23/0, 7.5' x 4.0' (11" x 11" body section) rectangular solid balsa wood life float, 15-person capacity, construction and arrangement Dwg. No. 31951, dated March 19, 1951, revised August 14, 1951, manufactured by Winner Manufacturing Co., Inc., Trenton, N. J.

Approval No. 160.027/24/0, 9.0' x 5.08' (12" x 12" body section) rectangular solid balsa wood life float, 25-person capacity, construction and arrangement Dwg. No. 31951 dated March 19, 1951, revised August 14, 1951, manufactured by Winner Manufacturing Co., Inc., Trenton, N. J.

Approval No. 160.027/25/0, 10.67' x 6.17' (13" x 13" body section) rectangular solid balsa wood life float, 40-person capacity, construction and arrangement Dwg. No. 31951 dated March 19, 1951, revised August 14, 1951, manufactured by Winner Manufacturing Co., Inc., Trenton, N. J.

Approval No. 160.027/26/0, 12.0' x 7.58' (15" x 15" body section) rectangular solid balsa wood life float, 60-person capacity, construction and arrangement Dwg. No. 31951, dated March 19, 1951, revised August 14, 1951, manufactured by Winner Manufacturing Co., Inc., Trenton, N. J.

Approval No. 160.027/27/0, 9.0' x 5.08' (13" Dia. body section), rectangular hollow aluminum life float, 25-person capacity, Dwg. No. 3348–2, dated June 28, 1951, manufactured by Welin Davit & Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 475, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.027)

DAVITS, LIFEBOAT

Approval No. 160.032/117/0, Mechanical davit, crescent sheath screw, Type C–60, approved for maximum working load of 12,000 pounds per set (6,000 pounds per arm), identified by general arrangement Drawing No. 3310, dated November 23, 1949, manufactured by Welin Davit & Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.032/128/0, Mechanical davit, straight boom sheath screw, size A–7–O. S, approved for maximum working load of 8,000 pounds per set (4,000 pounds per arm), using 2-part falls, identified by general arrangement drawing No. 619.S dated January 3, 1951, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.032)

LIFEBOATS

Approval No. 160.035/91/1, 18.0' x 6.0' x 2.6' steel, oar-propelled lifeboat, 18-person capacity, identified by General Arrangement and Construction Dwg. No. 49R–1815, dated August 8, 1951, revised September 4, 1951, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y. (Supersedes Approval No. 160.035/91/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.035/98/1, 22.0' x 7.50' x 3.17' steel, oar-propelled lifeboat, 31-person capacity, identified by General Arrangement and Construction Dwg. No. 49R–2217C, dated August 8, 1950, and revised November 17, 1950, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y. (Supersedes Approval No. 160.035/93/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.035/214/1, 20.0' x 6.5' x 2.67' aluminum, oar-propelled lifeboat, 20-person capacity, identified by Construction and Arrangement Dwg. No. 20–2, dated December 24, 1947, revised September 4, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/214/0 published in the FEDERAL REGISTER dated February 19, 1949.)

Approval No. 160.035/246/1, 22.0' x 6.5' x 2.67', steel, oar-propelled lifeboat, 23-person capacity, identified by Construction and Arrangement Dwg. No. 22–3, dated April 12, 1949, and revised August 29, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/246/0 published in the FEDERAL REGISTER dated July 27, 1949.)

Approval No. 160.035/258/1, 20.0' x 6.5' x 2.67' steel, oar-propelled lifeboat, 20-person capacity, identified by Construction and Arrangement Dwg. No. 20–3, dated August 19, 1949, and revised August 27, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/258/0 published in the FEDERAL REGISTER dated November 3, 1949.)

Approval No. 160.035/268/0, 36.0' x 12.33' x 5.25' aluminum hand-propelled lifeboat, 140-person capacity, identified by Construction and Arrangement Dwg. No. 3353, dated June 25, 1951, manufactured by Welin Davit & Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/269/0, 36.0' x 12.33' x 5.25', aluminum, motor propelled lifeboat with radio cabin, 133-per-

son capacity, identified by Construction and Arrangement Dwg. No. 3354, dated January 23, 1950, manufactured by Welin Davit & Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/274/0, 22.0' x 6.75' x 2.92' aluminum, oar-propelled lifeboat, 25-person capacity, identified by Construction and Arrangement Dwg. No. 22–1C, dated November 22, 1950, and revised October 2, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/281/0, 26.0' x 9.0' x 3.83' steel, oar-propelled lifeboat, 53-person capacity, identified by Construction and Arrangement Dwg. No. 26–9, dated July 3, 1951, and revised September 6, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. 1275; 46 CFR 33.01–5, 59.13, 76.16, 94.15, 113.10, 160.035)

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC

Approval No. 161.001/5/0, automatic floating electric water light (with bracket for mounting), Dwg. No. E–951, Alt. 1 dated July 13, 1951, Sheets 1 and 2, manufactured by C. C. Galbraith & Son Electric Corp., 450 Avenue of the Americas, New York 11, N. Y.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 161.001)

BOILERS, HEATING

Approval No. 162.003/120/0, Smith-Mills Series "100" heating boiler, cast iron sectional construction, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the H. B. Smith Co., Inc., Westfield, Mass.

Approval No. 162.003/121/0, Smith-Mills Series "200" heating boiler, cast iron sectional construction, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the H. B. Smith Co., Inc., Westfield, Mass.

Approval No. 162.003/122/0, Smith-Mills Series "250" heating boiler, cast iron sectional construction, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the H. B. Smith Co., Inc., Westfield, Mass.

Approval No. 162.003/123/0, Smith-Mills Series "1100" heating boiler, cast iron sectional construction, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the H. B. Smith Co., Inc., Westfield, Mass.

Approval No. 162.003/124/0, Smith-Mills Series "1500" heating boiler, cast iron sectional construction, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the H. B. Smith Co., Inc., Westfield, Mass.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 1275; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/40/0, "Model R10 Marine Use," 10-pound carbon-dioxide type hand portable fire extinguisher, Parts List Dwg. No. 754 dated February 7, 1946, Rev. 10 dated October 8, 1951, Assembly Dwg. No. 735 dated December 7, 1945, Rev. No. 7 dated October 8, 1951, and Nameplate Dwg. No. 922 dated November 19, 1947, Rev. No. 4 dated October 8, 1951, manufactured by Randolph Laboratories, Inc., 8 East Kinzie Street, Chicago 11, Ill.

NOTE: This approval does not in any manner affect the withdrawal of Approval No. 162.005/25/0 for a "Model R–10" fire extinguisher. The "Model R–10" extinguisher must be removed from all vessels subject to the inspection laws administered by the Coast Guard. The manufacturer has agreed to replace all "Model R–10" fire extinguishers required to be removed from such vessels with approved fire extinguishers.

Approval No. 162.005/41/0, "Model R15 Marine Use," 15-pound carbon-dioxide type hand portable fire extinguisher, Parts List Dwg. No. 755 dated April 19, 1947, Rev. No. 9 dated October 8, 1951, Assembly Dwg. No. 675 dated July 30, 1945, Rev. No. 9 dated October 8, 1951, Nameplate Dwg. No. 922 dated November 19, 1947, Rev. No. 4 dated October 8, 1951, manufactured by Randolph Laboratories, Inc., 8 East Kinzie St., Chicago 11, Ill.

NOTE: This approval does not in any manner affect the withdrawal of Approval No. 162.005/26/0 for a "Model R–15" fire extinguisher. The "Model R–15" extinguisher must be removed from all vessels subject to the inspection laws administered by the Coast Guard. The manufacturer has agreed to replace all "Model R–15" fire extinguishers required to be removed from such vessels with approved fire extinguishers.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/4/0, Alfco Model 5P1–30, 25-pound dry chemical type hand portable fire extinguisher, Assembly Dwg. No. 33X–1011 dated December 1, 1947, Rev. H dated February 1, 1949, Nameplate Dwg. No. 33X–26 dated December 12, 1947, Rev. P dated February 22, 1949, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275, 46 CFR 25.5–1, 26.3–1, 27.3–1, 28.3–5, 34.25–1, 61.13, 77.13, 95.13, 114.15)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/28/1, Magic Chef gas range, Model No. HD–10, equipped with or without automatic pilot for oven burner, approved by the American Gas Association, Inc., under Certificate No. 11–22–5.901 and Supplement Serial No. 10, dated January 18, 1950, for liquefied petroleum gas service, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo. (Supersedes Approval No. 162.020/28/0 published in the FEDERAL REGISTER dated November 11, 1950.)

Approval No. 162.020/29/1, Magic Chef gas range, Model No. HD–11, equipped with or without automatic pilot for oven burner, approved by the American Gas Association, Inc., under Certificate No. 11–22–5.901 and Supplement Serial No. 10, dated January 18, 1950, for liquefied petroleum gas service, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo. (Supersedes Approval No. 162.020/29/0 published in the FEDERAL REGISTER dated November 11, 1950.)

Approval No. 162.020/30/1, Magic Chef gas range, Model No. HD–16, equipped with or without automatic pilot for oven burner, approved by the American Gas Association, Inc., under Certificate No. 11–22–5.901 and Supplement Serial No. 10, dated January 18, 1950, for liquefied petroleum gas service, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo. (Supersedes Approval No. 162.020/30/0 published in the FEDERAL REGISTER dated November 11, 1950.)

Approval No. 162.020/42/1, Magic Chef gas range, Model No. HD–12, equipped with or without automatic pilot for oven burner, approved by the American Gas Association, Inc., under Certificate No. 11–22–9.901 and Supplement Serial No. 4, dated January 18, 1950, for liquefied petroleum gas service, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo. (Supersedes Approval No. 162.020/42/0 published in the FEDERAL REGISTER dated January 19, 1951.)

Approval No. 162.020/43/1, Magic Chef gas range, Model No. HD–14, equipped with or without automatic pilot for oven burner, approved by the American Gas Association, Inc., under Certificate No. 11–22–5.901 and Supplements Serial Nos. 5 and 10, dated January 18, 1950, for liquefied petroleum gas service, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo. (Supersedes Approval No. 162.020/43/0 published in the FEDERAL REGISTER dated February 17, 1951.)

Approval No. 162.020/44/1, Magic Chef gas range, Model No. HD–15, equipped with or without automatic pilot for oven burner, approved by the American Gas Association, Inc., under Certificate No. 11–22–9.901 and Supplement Serial No. 4, dated January 18, 1950, for liquefied petroleum gas service, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo. (Supersedes Approval No. 162.020/44/0 published in the FEDERAL REGISTER dated January 19, 1951.)

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028 and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. 1275; 46 CFR 32.10–1, 61.25, 95.24, 114.25)

DECK COVERING

Approval No. 164.006/40/0 "Hill Brothers C G Base Coat" and "C G Red

Top," magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10210–1787: FP3069 dated August 30, 1951, approved for use without other insulating material to meet Class A–60 requirements in a 1½" thickness, manufactured by Hill Brothers Chemical Co., 2159 Bay Street, Los Angeles 21, Calif.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 164.006)

STRUCTURAL INSULATION

Approval No. 164.007/28/0, "48 Panther Insulating Cement," plaster type structural insulation identical to that described in National Bureau of Standards Test Report No. TG10210–1782: FP3061 dated August 10, 1951, approved for use without other insulating material to meet Class A–60 requirements in a 2½" thickness; manufactured by Forty-eight Insulations, Inc., Aurora, Ill.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR Part 144)

FIRE INDICATING AND ALARM SYSTEMS

"Detect-A-Fire," Type 7020–2, Fire Alarm Thermostat, having temperature ratings of 140° F., 160° F., and 225° F., for use with approved closed-circuit type Fire Indicating and Alarm Systems. Approved as affording protection of an area where no point on the overhead is more than 17.5 feet from the thermostat except that where beams or girders of over 12 inches in depth are employed, the overhead on each side of the beam or girder shall be considered as separate areas for the purpose of this spacing limitation; the space limitation appearing on the drawing shall be disregarded for the purpose of this approval. Identified by Drawing No. 27020–2, Revision F, dated January 12, 1951, manufactured by Fenwal, Inc., Ashland, Mass. (Supersedes approval appearing in the FEDERAL REGISTER dated July 25, 1950.)

"Detect-A-Fire," Type 7021–2, Fire Alarm Thermostat, having temperature ratings of 140° F., 160° F., and 225° F., for use with approved open-circuit type Fire Indicating and Alarm Systems. Approved affording protection of an area where no point on the overhead is more than 17.5 feet from the thermostat except that, where beams or girders of over 12 inches in depth are employed, the overhead on each side of the beam or girder shall be considered as separate areas for the purpose of this spacing limitation; the space limitation appearing on the drawing shall be disregarded for the purpose of this approval. Identified by Drawing No. 27021–2, Revision E, dated January 3, 1951, manufactured by Fenwal, Inc., Ashland, Mass. (Supersedes approval appearing in the FEDERAL REGISTER dated July 25, 1950.)

(R. S. 4405, and 4426, as amended, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 404, 367, 1333, 463a, 50 U. S. C. Supp. 1275; 46 CFR 61.16, 61.17, 77.16, 77.17, 95.15, 95.16, 114.16, 114.17)

Dated: December 2, 1951.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 51–14544; Filed, Dec. 6, 1951; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

NOVEMBER 16, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 1,920 acres:

CALIFORNIA SMALL TRACT CLASSIFICATION No. 323

For lease and sale for homesites only:

T. 2 N., R. 5 E., S. B. M.,
Sec. 2, All.
Sec. 3, All.
Sec. 12, All.

Leases will not be issued for irregular subdivisions in sections 2 and 3 until supplemental plats have been prepared showing tract numbers and acreages.

The lands are located in San Bernardino County, California, about 12 miles northerly from the village of Yucca Valley, and about 30 miles from the Town of Twentynine Palms, California. Graded and unimproved roads provide access to most of the lands. The lands are desert in character and surface water supplies are unavailable. The lands are in a general area that is considered ideal for health and recreational purposes.

2. As to applications regularly filed prior to 8:30 a. m., July 1, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

6. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $50.00 per tract, application for which may be filed at or after the expiration of one year from date the lease is issued.

9. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of

the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-14504; Filed, Dec. 6, 1951; 8:46 a. m.]

NEVADA

CLASSIFICATION ORDER

NOVEMBER 21, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 120 acres:

NEVADA SMALL TRACT CLASSIFICATION NO. 75

For lease and sale for homesites only:

T. 21 S., R. 61 E., M. D. M.,
Sec. 26, N½NE¼, SW¼NE¼.

The lands are situated in Clark County, Nevada, a distance of approximately five miles from the City of Las Vegas, Nevada. The area is desert in character and is one that is considered ideal for health and recreational purposes. In Las Vegas there may be found all the usual community services. Water for domestic use may be obtained by sinking wells.

2. As to applications regularly filed prior to 10:00 a. m., July 25, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

6. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of the various parcels, as follows:

Sec. 26:	Per acre
N½N½NE¼	$150.00
S½N½NE¼	100.00
SW¼NE¼	75.00

Application to purchase may be filed at or after the expiration of one year from date the lease is issued.

9. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-14505; Filed, Dec. 6, 1951; 8:46 a. m.]

NEVADA

CLASSIFICATION ORDER

NOVEMBER 21, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 1560 acres.

NEVADA SMALL TRACT CLASSIFICATION NO. 62

For lease and sale for homesites only:

T. 21 S., R. 60 E., M. D. M.:
Sec. 1, W½ and N½SE¼.
Sec. 2, SW¼NW¼.
Sec. 3, All.
Sec. 4, E½ and SW¼.

Leases for lands in lots 3 and 4, sec. 1; lots 1, 2, 3, and 4, sec. 3; and lot 1, sec. 4, will not be issued until supplemental plats have been prepared dividing these lots into tracts.

The lands are in close proximity to the Town of Las Vegas, Clark County, Nevada. They can be reached over a paved road that extends along the northern side of the sections involved. Domestic water can be obtained from wells. Las Vegas is one of the largest towns in Nevada and has all of the usual facilities, such as stores, churches, schools, etc. The area is one that is used extensively for health and recreational purposes.

2. As to applications regularly filed prior to 9:00 a. m., December 1, 1950, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simul-

taneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the land except the N½SE¼ sec. 1 will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

The land in the N½SE¼ sec. 1 will be leased in tracts of approximately 2½ acres, each being approximately 330 by 330 feet.

6. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be issued for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of the various parcels as follows:

	Per acre
Sec. 1:	
N½N½NW¼, N½SE¼	$75.00
S½N½NW¼, S½NW¼, N½SW¼	50.00
S½SW¼	30.00
Sec. 2: SW¼NW¼	20.00
Sec. 3:	
N½N½NE¼	50.00
S½N½NE¼	20.00
N½N½NW¼	30.00
S½N½NW¼, S½N½	15.00
S½	10.00
Sec. 4:	
N½N½NE¼	$30.00
S½N½NE¼, S½NE¼	15.00
S½	10.00

Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-14506; Filed, Dec. 6, 1951; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1952 AMERICAN-EGYPTIAN COTTON

NOTICE OF PRICE SUPPORT

As provided in section 402 of the Agricultural Act of 1949, notice is hereby given that a public hearing will be held at the Adams Hotel, Phoenix, Arizona, at 10:00 a. m., on Friday, December 14, 1951, to determine whether price support for 1952-crop Amsak and Pima 32 varieties of American-Egyptian cotton at a level higher than 90 percent of the parity price of American-Egyptian cotton as of the beginning of the marketing year will be necessary in order to increase the production of such American-Egyptian cotton in the interest of national security. On the basis of the latest facts and information available to the Department, it is believed that a support level of approximately $1.04 per pound for Grade No. 2, 1½ inches in length, with appropriate differentials for other grades and staples, will be necessary. Oral or written evidence with respect to the level of support necessary to obtain the increase of production of the above-mentioned varieties of American-Egyptian cotton needed for national security will be received at the hearing. All written evidence and exhibits introduced at the hearing should be submitted in duplicate.

The Administrator, Production and Marketing Administration, is hereby authorized to designate the officer or officers to preside at the hearing.

Issued this 4th day of December 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-14547; Filed, Dec. 6, 1951; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1097]

JOHN A. ZEHNTBAUER

NOTICE OF APPLICATION FOR LICENSE

DECEMBER 3, 1951.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a–825r) that John A. Zehntbauer, Jantzen Center, Portland, Oregon, has made application for a new license for constructed major Project No. 1097 located on Jack Creek, tributary to Metolius River in Jefferson County, Oregon. The project affects lands of the United States within the Deschutes National Forest and consists of diversion dam two feet high, a diversion canal, penstock, a powerhouse containing one generating unit with a capacity of 115 horsepower, and appurtenant facilities.

Any protest against approval of this application or request for hearing thereon, together with the name and address of the party or parties so protesting or requesting, should be submitted on or before January 14, 1952, to the Federal Power Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-14531; Filed, Dec. 6, 1951; 8:51 a. m.]

[Docket Nos. G–1612, G–1642, G–1714, G–1715, G–1722, G–1723, G–1724, G–1754, G–1585, G–1837]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

NOVEMBER 30, 1951.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G–1612, G–1642, G–1714, G–1715, G–1722, G–1723, G–1724, G–1754; Panhandle Eastern Pipe Line Company, Complainant, v. Central Indiana Gas Company, Defendant, Docket No. G–1575; Central Indiana Gas Company, Complainant, v. Panhandle Eastern Pipe Line Company, Defendant, Docket No. G–1837.

Panhandle Eastern Pipe Line Company (Panhandle) pursuant to section 7 of the Natural Gas Act, as amended, filed applications for (a) a disclaimer of jurisdiction by the Commission, or in the alternative for (b) certificates of public convenience and necessity authorizing the construction and operation of facilities, and/or the rendering of natural-gas service on an interruptible or dump sales basis in the following enumerated dockets as hereinafter stated:

1. Docket No. G–1612, filed February 15, 1951, authorizing facilities and service to Northeast Missouri Electric Power Cooperative.

2. Docket No. G–1642, filed March 27, 1951, authorizing facilities and service to Illinois Rural Electric Company.

3. Docket No. G–1714, filed June 15, 1951, authorizing facilities and service to Glass Fibers, Inc., and General Motors Corporation.

4. Docket No. G–1715, filed June 15, 1951, authorizing facilities and service to the City of Jacksonville, Illinois.

5. Docket No. G–1722, filed June 20, 1951, authorizing facilities and service to The Alsey Brick & Tile Company.

6. Docket No. G–1723, filed June 20, 1951, authorizing facilities and service to the Clay City Pipe Company.

7. Docket No. G–1724, filed June 20, 1951, authorizing facilities and service to the Springfield Clay Products Company.

Due and timely notice of the filing of the foregoing applications have been given, together with notice thereof published in the FEDERAL REGISTER.

On July 30, 1951, at Docket No. G–1754, Panhandle filed an application pursuant to section 7 (b) of the Natural Gas Act for an order permitting and approving abandonment of service to The Gas Service Company which is being presently rendered at various points in the States of Kansas and Missouri.

On January 10, 1951, at Docket No. G–1585, Panhandle filed an application with the Commission for (1) an order requiring Central Indiana Gas Company (Central Indiana) to cease and desist from violation of filed rate schedules, and (2) permission and approval to abandon all service of interruptible natural gas to Central Indiana (a) if that company does not comply with directions of the cease and desist order, and (b) whenever Central Indiana in derogation of said directions is guilty of a substantial violation of any curtailment order announced by Panhandle.

On November 13, 1951, at Docket No. G–1837, Central Indiana filed a complaint against Panhandle alleging that Panhandle violated section 4 (b) of the Natural Gas Act with respect to transportation and sale of natural gas and causing undue prejudice and disadvantage to Complainant and the public it serves. The time for filing an answer to the complaint will expire on December 3, 1951.

The Commission finds:

(1) Orderly procedure requires that the proceedings in Docket Nos. G–1612, G–1642, G–1714, G–1715, G–1722, G–1723, G–1724, G–1754, G–1585, and G–1837 be consolidated for the purpose of hearing.

(2) It is reasonable and good cause exists for fixing the date of the hearing in this proceeding less than 15 days after the publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) The proceedings in Docket Nos. G–1612, G–1642, G–1714, G–1715, G–1722, G–1723, G–1724, G–1754, G–1585, and G–1837 be and they are hereby consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, 7, and 15 thereof, and the Commission's rules of practice and procedure, a hearing be held commencing on December 13, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application and complaint.

(C) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: December 3, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–14532; Filed, Dec. 6, 1951; 8:51 a. m.]

[Docket Nos. G–1345, G–1629, G–1523]

EL PASO NATURAL GAS CO. AND NEVADA NATURAL GAS PIPE LINE CO.

NOTICE OF ORDER ALLOWING FINDINGS AND ORDER TO BECOME EFFECTIVE

DECEMBER 3, 1951.

Notice is hereby given that, on November 29, 1951, the Federal Power Commission issued its order, entered November 28, 1951, allowing findings and order of Presiding Examiner to become effective in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–14533; Filed, Dec. 6, 1951; 8:51 a. m.]

[Docket Nos. G–1610, G–1780, G–1611]

MONTANA-DAKOTA UTILITIES CO. AND BILLINGS GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 3, 1951.

In the Matters of Montana-Dakota Utilities Co., Docket Nos. G–1610 and G–1780, and Billings Gas Co., Docket No. G–1611.

Notice is hereby given that, on November 29, 1951, the Federal Power Commission issued its order, entered November 27, 1951, issuing certificate of public convenience and necessity and modifying in part previous order (16 F. R. 5078) issuing certificate of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–14534; Filed, Dec. 6, 1951; 8:51 a. m.]

[Docket Nos. G–1784, G–1799]

ARKANSAS LOUISIANA GAS CO. AND SOUTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 3, 1951.

Notice is hereby given that, on November 28, 1951, the Federal Power Commission issued its orders, entered November 27, 1951, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–14535; Filed, Dec. 6, 1951; 8:51 a. m.]

[Project No. 459]

UNION ELECTRIC CO. OF MISSOURI

NOTICE OF ORDER APPROVING AGREEMENTS GRANTING EASEMENTS

DECEMBER 3, 1951.

Notice is hereby given that, on November 30, 1951, the Federal Power Commission issued its order, entered November 27, 1951, approving agreements granting easements to Black River Electric Cooperative and Intercounty Electric Cooperative Association in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–14536; Filed, Dec. 6, 1951; 8:51 a. m.]

[Project No. 2056]

ST. ANTHONY FALLS WATER POWER CO. AND NORTHERN STATES POWER CO.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE

DECEMBER 3, 1951.

Notice is hereby given that, on November 30, 1951, the Federal Power Commission issued its order, entered November 27, 1951, approving transfer of license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–14537; Filed, Dec. 6, 1951; 8:51 a. m.]

[Docket No. G–1115]

COLORADO INTERSTATE GAS CO. AND CANADIAN RIVER GAS CO.

ORDER RECONVENING HEARING

NOVEMBER 30, 1951.

On November 15, 1951, Colorado Interstate Gas Company and Canadian River Gas Company (hereinafter referred to as the companies) filed a motion for a finding that Staff has failed to show a case and requested oral argument before the Commission on said motion.

On November 26, 1951, Staff Counsel filed an answer to said motion of the companies.

The companies have reserved the right to cross-examine Staff's witnesses and to offer their own testimony.

The Commission finds:

(1) A majority of the Commission not voting in favor of the request for oral argument on the motion, it is not granted.

(2) It would be in the public interest to conclude the hearings in this matter with all reasonable dispatch.

The Commission orders:

(A) Decision on the motion filed by the companies on November 15, 1951, be and the same is hereby reserved.

(B) The public hearing in this proceeding reconvene to commence on December 10, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(C) At said hearing, the companies shall be prepared to proceed with the cross-examination of Staff's witnesses and the presentation of their direct evidence.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: November 30, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-14538; Filed, Dec. 6, 1951; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

HENRY P. ROSENFELD CO. ET AL.

ORDER REVOKING REGISTRATIONS, DENYING CANCELLATION OR WITHDRAWAL OF REGISTRATION AND DISMISSAL OF CERTAIN PROCEEDINGS, AND DISMISSING CERTAIN PROCEEDINGS

NOVEMBER 29, 1951.

In the matter of Henry P. Rosenfeld, doing business as Henry P. Rosenfeld Co., 79 Wall Street, New York, New York, and Alex Diamond, Philip Feinberg, Sidney H. Kellman, Leonard Markell, Edmund McBrien, Irving A. Shayne, John Edward Phillips, Bernard Salomon, Albert Shank, William J. Tack, Samson Wallach, Sr., Alfred Shayne; Irving A. Shayne, doing business as Shayne & Company, 101 West 57th Street, New York, New York; Alfred Shayne, 101 West 55th Street, New York 6, New York; George James Martin, doing business as George J. Martin Co., 79 Wall Street, New York 25, New York; Edmund Joseph McBrien, doing business as Edmund J. McBrien & Company, 312 Newhouse Building, Salt Lake City, Utah.

Proceedings having been instituted to determine whether the registrations as broker and dealer of Henry P. Rosenfeld, doing business as Henry P. Rosenfeld Co., Irving A. Shayne, doing business as Shayne & Company, Alfred Shayne, George James Martin, doing business as George J. Martin Co., and Edmund Joseph McBrien, doing business as Edmund J. McBrien & Company, should be revoked pursuant to section 15 (b) of the Securities Exchange Act of 1934; whether said Henry P. Rosenfeld and George James Martin should be suspended or expelled from membership in National Association of Securities Dealers, Inc., a registered securities association, pursuant to section 15A of the act; and whether, for the purposes of future proceedings under the act, Alex Diamond, Philip Feinberg, Sidney H. Kellman, Leonard Markell, Edmund Joseph McBrien, John Edward Phillips, Bernard Salomon, Albert Shank, Alfred Shayne, Irving A. Shayne, William J. Tack, and Samson Wallach, Sr., should be deemed a cause of any order of revocation, suspension, or expulsion of Henry P. Rosenfeld;

Hearings having been held after appropriate notice, and a hearing examiner having filed a recommended decision and exceptions thereto having been filed;

Irving A. Shayne, doing business as Shayne & Company, having requested that his registration as a broker and dealer be cancelled or that he be permitted to withdraw his registration; and a motion having been filed by Bernard Salomon and William J. Tack and joined in by George James Martin, Irving A. Shayne, Alfred Shayne, and Samson Wallach, Sr., that the proceedings be dismissed as to them for lack of jurisdiction;

The Commission having made an independent review of the record and having this day issued its findings and opinion herein; on the basis of said findings and opinion;

It is ordered, That the registrations as broker and dealer of Henry P. Rosenfeld, doing business as Henry P. Rosenfeld Co., Irving A. Shayne, doing business as Shayne & Company, Alfred Shayne, George James Martin, doing business as George J. Martin Co., and Edmund Joseph McBrien, doing business as Edmund J. McBrien & Company, be and each of them hereby is revoked; and it is found that each of the respondents, Alex Diamond, Philip Feinberg, Sidney H. Kellman, Leonard Markell, Edmund J. McBrien, Bernard Salomon, Albert Shank, Alfred Shayne, Irving A. Shayne, and Samson Wallach, Sr., is a cause of the revocation of the registration of said Henry P. Rosenfeld;

It is further ordered, That the aforesaid requests of Irving A. Shayne, doing business as Shayne & Company, for the cancellation or withdrawal of his registration be and they hereby are denied;

It is further ordered, That the aforesaid motion that the proceedings be dismissed as to the moving parties for lack of jurisdiction be and it hereby is denied; and

It is further ordered, That the proceedings be dismissed as to deceased respondents John Edward Phillips and William J. Tack.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-14539; Filed, Dec. 6, 1951; 8:52 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 403, Amdt. 1]

WESTINGHOUSE ELECTRIC CORP., TELEVISION-RADIO DIVISION

CEILING PRICES AT RETAIL

Statement of Considerations. Special Order 403 under section 43 of Ceiling Price Regulation 7 established ceiling prices for sales at retail of television and radio home receivers manufactured by Westinghouse Electric Corporation, Television-Radio Division, having the brand name "Westinghouse."

This amendment to Special Order 403 issued under section 43 of Ceiling Price Regulation 7 to Westinghouse Electric Corporation, Television-Radio Division adds new models to those for which ceiling prices at retail were established by the special order. These new models are listed in subparagraph 1 (b) of the special order.

The Director has determined, on the basis of information available to him, that the retail ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

Amendatory provisions. Special Order 403 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 1 of the special order insert the subparagraph designation "(a)" after the paragraph designation "1".

2. Following paragraph 1, now appearing in the special order, insert the following:

(b) The following ceiling prices are established for sales after the effective date of the special order by any seller at retail of television and radio home receivers manufactured by Westinghouse Electric Corporation, Television-Radio Division having the brand name "Westinghouse" and described in the manufacturer's application dated September 5, 1951, as supplemented and amended by the manufacturer's applications dated September 29, 1951 and November 16, 1951.

Different ceiling prices are established for Zone 1 and Zone 2. Zone 2 is comprised of the states of Arizona, California, Colorado, Idaho, Montana, New Mexico, North Dakota, Oregon, West Texas, Utah, Washington and Wyoming. Zone 1 includes the remainder of the United States.

TELEVISION RECEIVERS

Model No.	Zone 1 ceiling price at retail	Zone 2 ceiling price at retail	Warranty for Zones 1 and 2
H-665T16	$218.72	$228.72	$10.00
H-663T17	252.08	262.08	10.00
H-659T17	252.72	262.72	10.00
H-649T17	279.25	289.25	10.00
H-650T17	298.19	308.19	10.00
H-648T20	316.94	326.94	15.00
H-664K17	350.79	360.79	10.00
H-651K17	365.94	375.94	10.00
H-657K17	379.65	389.65	10.00
H-656K17	419.73	429.73	10.00
H-655K17	432.33	442.33	10.00
H-662K20	479.68	489.68	15.00
H-652K20	513.71	523.71	15.00
H-660C17	594.63	609.63	10.00
H-661C17	634.92	649.92	10.00
H-653K24	674.31	684.31	20.00

RADIO RECEIVERS

H-345T5	$31.93	$32.93	
H-346T5	34.00	35.00	
H-355T5	42.09	43.09	
H-356T5	45.17	46.17	
H-348P5	54.48	56.48	
H-349P5			
H-350T7	64.72	66.72	
H-351T7	67.88	69.88	
H-354C7	240.90	252.95	

3. Delete the last unnumbered subparagraph of paragraph 2 of the special order (which begins with the words "Upon issuance of any amendment to this special order which either adds an article to those already listed . . ."), and substitute therefor the following:

Upon issuance of any amendment to this special order (including amendment 1 to the special order) which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 60 days after the effective date of the amendment, *except* that the tag, ticket or statement on the articles covered by the amendment must be in substantially the following form:

OPS—Sec. 43—CPR 7
Zone____ Price $____
Warranty $_____

After 90 days from the effective date of the amendment, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90 day period, unless the article is so ticketed, the retailer must comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Delete paragraph 3 of the special order and substitute therefor the following:

3. *Notification to resellers*—(a) *Notice to be given by applicant.* (1) After receipt of this special order, a copy of this special order shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner.

(4) The applicant must supply each purchaser for resale (other than a retailer) with sufficient copies of this special order and any amendment to permit such purchasers for resale to comply with the notification requirements of this special order.

"(b) *Notice to be given by purchasers for resale (other than retailers).* (1) A copy of this special order shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within fifteen days of receipt of this special order, each purchaser for resale (other than retailers) shall send a copy of the order to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner."

Effective date. This amendment shall become effective December 3, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 3, 1951.

[F. R. Doc. 51-14464; Filed, Dec. 3, 1951; 4:12 p. m.]

[Ceiling Price Regulation 7, Section 43 Special Order 540, Amdt. 2]

PHILCO CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 540 under section 43 of Ceiling Price Regulation 7 established ceiling prices for sales at retail of television receivers, radio receivers and radio-phonograph combinations manufactured by Philco Corporation having the brand name "Philco."

This amendment to Special Order 540 issued under section 43 of Ceiling Price Regulation to Philco Corporation establishes new retail ceiling for certain of the applicant's branded articles. These new retail ceiling prices are listed in subparagraph 1 (b) of the special order.

In addition, at the request of the applicant this amendment makes certain changes in Zones I and II as established by the special order. The states of Virginia and West Virginia are changed to Zone I. The state of Oklahoma becomes part of Zone II. Nineteen counties in Nebraska and Kentucky also are included in Zone II.

The Director has determined, on the basis of information available to him, that the retail ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

Amendatory provisions. Special Order 540 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 1 of the special order insert the subparagraph designation "(a)" after the paragraph designation "1."

2. In paragraph 1, now appearing in the special order, after the date "August 10, 1951" insert the words "and September 14, 1951."

3. Following paragraph 1, now appearing in the special order, insert the following:

(b) The following ceiling prices are established for sales after the effective date of the special order by any seller at retail of television receivers manufactured by Philco Corporation having the brand name "Philco" and described in the manufacturer's application dated September 7, 1951, as supplemented and amended by the manufacturer's applications dated September 14, 1951, October 2, 1951, October 8, 1951, October 18, 1951 and November 1, 1951.

Different ceiling prices are established for Zone I and Zone II. Zone II is comprised of the states of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Washington, Wyoming, Banner County, Box Butte County, Dawes County, Kimball County, Morrill County, Scotts Bluff County, Sheridan County and Sioux County in the state of Nebraska, and Christian County, Logan County, Simpson County, Todd County, Trigg County, Marshall County, Calloway County, Fulton County, Hickman County, Carlisle County, Ballard County in the state of Kentucky. Zone I includes the remainder of the United States.

TELEVISION SETS

Model No.	Zone I ceiling prices at retail	Zone II ceiling prices at retail	Warranty for Zones I and II
1802	$199.95	$199.95	$12.50
1804	229.95	229.95	12.50
1840	289.95	299.95	12.50
2106	299.95	299.95	14.50
2108 M	319.95	319.95	14.50
2110	339.95	349.95	14.50
2110 L			
2140	359.95	369.95	14.50
2142	379.95	389.95	14.50
2142 L	399.95	409.95	14.50
2144			
2244	449.95	459.95	14.50
2145 X			
2245	479.95	489.95	14.50
2182			
2282	599.95	619.95	14.50
2175			
2275	750.00	775.00	14.50
2176	800.00	825.00	14.50

4. Delete the last unnumbered subparagraph of paragraph 2 of the special order (which begins with the words "Upon issuance of any amendment to this special order which either adds an article to those already listed . . ."), and substitute therefor the following:

Upon issuance of any amendment to this special order (including amendment 1 to the special order) which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 60 days after the effective date of the amendment, *except* that the tag, ticket or statement on the articles covered by the amendment must be in substantially the following form:

OPS—Sec. 43—CFR 7
Zone ____ Price $____
Warranty $_____

After 90 days from the effective date of the amendment no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90 day period, unless the article is so ticketed, the retailer must comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Delete paragraph 3 of the special order and substitute therefor the following:

3. *Notification to resellers*—(a) *Notice to be given by applicant.* (1) After receipt of this special order, a copy of this special order shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner.

(4) The applicant must supply each purchaser for resale (other than a retailer) with sufficient copies of this special order and any amendment to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notice to be given by purchasers for resale (other than retailers).* (1) A copy of this special order shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within fifteen days of receipt of this special order, each purchaser for resale (other than retailers) shall send a copy of the order to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner.

Effective date. This amendment shall become effective December 3, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 3, 1951.

[F. R. Doc. 51-14465; Filed, Dec. 3, 1951; 4:12 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 751]

CROSLEY DIVISION, AVCO MFG. CORP.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Crosley Division, Avco Manufacturing Corporation, 1329 Arlington Street, Cincinnati 25, Ohio has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to Section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail and wholesale of radios and television receivers sold through retailers and wholesalers and having the brand name(s) "Crosley" shall be the proposed retail and wholesale ceiling prices listed by Crosley Division, Avco Manufacturing Corporation, 1329 Arlington Street, Cincinnati 25, Ohio, hereinafter referred to as the "applicant" in its application dated September 25, 1951 and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than February 2, 1952, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after February 2, 1952, Crosley Division, Avco Manufacturing Corporation must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after March 3, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to March 3, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 60 days after the effective date of the amendment. After 90 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90 day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

(Column 1) Item (style or lot number or other description)	(Column 2) Retailer's ceiling price for articles listed in column 1	(Column 3) Wholesaler's ceiling price for articles listed in column 1
----------	$----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with

the annexed notice of ceiling prices described in subparagraph 3 (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective December 4, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 3, 1951.

[F. R. Doc. 51-14466; Filed, Dec. 3, 1951; 4:12 p. m.]

[Delegation of Authority 39]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTED CEILING PRICES UNDER GENERAL OVERRIDING REGULATION 21

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to process in the respects indicated herein applications for adjusted ceiling prices under GOR 21 by manufacturers whose net sales for their last complete fiscal year ending not later than July 31, 1951, were not more than $1,000,000:

(a) To direct applicants to broaden the scope of their applications as provided in section 5 (d) of GOR 21.

(b) To approve, disapprove, specify an approved method, or request additional information where applicants submit proposed methods for determining the total unit cost of base-period commodities, as provided in section 8 (f) of GOR 21.

(c) To approve, disapprove or request additional information on applications for alternate methods for computing proposed ceiling prices as provided by section 15 of GOR 21.

(d) To review applications for adjusted ceiling prices, making such investigation of the facts involved, requiring such supplementary information and holding such hearings and conferences as are deemed appropriate for the proper disposition of the application as provided by section 16 of GOR 21.

(e) To issue letter orders as provided by section 16 of GOR 21 establishing or revising ceiling prices: (1) For the commodities covered by applications for adjusted ceiling prices; (2) for other commodities sold by applicants not covered by applications for adjusted ceiling prices; (3) for commodities introduced since the filing date of applications; (4) for commodities introduced after the issuance date of the letter orders.

2. The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

3. Actions taken in conformance with this delegation of authority have the same effect as actions taken by the Director of Price Stabilization.

This delegation of authority shall take effect on December 7, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 6, 1951.

[F. R. Doc. 51-14615; Filed, Dec. 6, 1951; 10:35 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26607]

FRESH MEATS AND PACKING HOUSE PRODUCTS FROM ST. LOUIS, MO., AND EAST ST. LOUIS, ILL., TO THE SOUTH

APPLICATION FOR RELIEF

DECEMBER 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 738 and Agent C. A. Spaninger's tariff I. C .C. No. 1270.

Commodities involved: Fresh meats and packing house products, carloads.

From: St. Louis, Mo., and East St. Louis, Ill.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-14518; Filed, Dec. 6, 1951; 8:49 a. m.]

[4th Sec. Application 26608]

AGRICULTURAL IMPLEMENTS FROM SOUTHERN POINTS TO W. T. L. TERRITORY

APPLICATION FOR RELIEF

DECEMBER 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172.

Commodities involved: Agricultural implements, carloads.

From: Anniston, Ala., Cedartown, Ga., and Memphis, Tenn.

To: Specified points in western trunkline territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1172, Supp. 70.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon

a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-14519; Filed, Dec. 6, 1951; 8:49 a. m.]

[4th Sec. Application 26609]

PHOSPHATE ROCK FROM FLORIDA TO INDIANAPOLIS, IND.

APPLICATION FOR RELIEF

DECEMBER 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to ACL RR. tariff I. C. C. No. B-3232 and SAL RR. tariff I. C. C. No. A-8153.

Commodities involved: Phosphate rock, ground or not ground, slush and floats, and soft phosphate, carloads.

From: Mines in Florida.

To: Indianapolis, Ind.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-14520; Filed, Dec. 6, 1951; 8:50 a. m.]

[4th Sec. Application 26610]

BUILDING MATERIALS FROM PACIFIC COAST TERRITORY TO VIRGINIA AND WASHINGTON, D. C.

APPLICATION FOR RELIEF

DECEMBER 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent L. E. Kipp's tariffs I. C. C. Nos. 1504 and 1511.

Commodities involved: Building materials, in carloads, as described in schedules listed below.

From: Pacific coast territory.

To: Bristol, Va.-Tenn., Harrisonburg, and West Point, Va., Washington, D. C., and intermediate points on the Southern Railway Company.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. 1504, Supp. 132; L. E. Kipp's tariff I. C. C. No. 1511, Supp. 128.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-14521; Filed, Dec. 6, 1951; 8:50 a. m.]

[4th Sec. Application 26611]

COTTON FROM OKLAHOMA AND TEXAS TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3711.

Commodities involved: Cotton, carloads.

From: Points in Oklahoma and Texas.

To: Points in southern territory.

Grounds for relief: Circuitous routes, competition with rail carriers, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3711, Supp. 114.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-14522; Filed, Dec. 6, 1951; 8:50 a. m.]

[4th Sec. Application 26612]

NEWSPRINT PAPER FROM BEAUMONT TO DALLAS, TEX.

APPLICATION FOR RELIEF

DECEMBER 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for The Beaumont, Sour Lake & Western Railway Company, Fort Worth and Denver Railway Company, and International-Great Northern Railroad Company.

Commodities involved: Newsprint paper, carloads.

From: Beaumont, Tex.

To: Dallas, Tex.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: Lee Douglass' tariff I. C. C. No. 796, Supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the General rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-14523; Filed, Dec. 6, 1951; 8:50 a. m.]

[4th Sec. Application 26613]

MIXED CARLOADS OF MERCHANDISE FROM CHICAGO, ILL., TO SHEFFIELD AND FLORENCE, ALA.

APPLICATION FOR RELIEF

DECEMBER 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 639.

Commodities involved: Merchandise, in mixed carloads.

From: Chicago, Ill., and points grouped therewith.

To: Sheffield and Florence, Ala.

Grounds for relief: Circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates: R. G. Raasch's tariff I. C. C. No. 639, Supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-14524; Filed, Dec. 6, 1951; 8:50 a. m.]